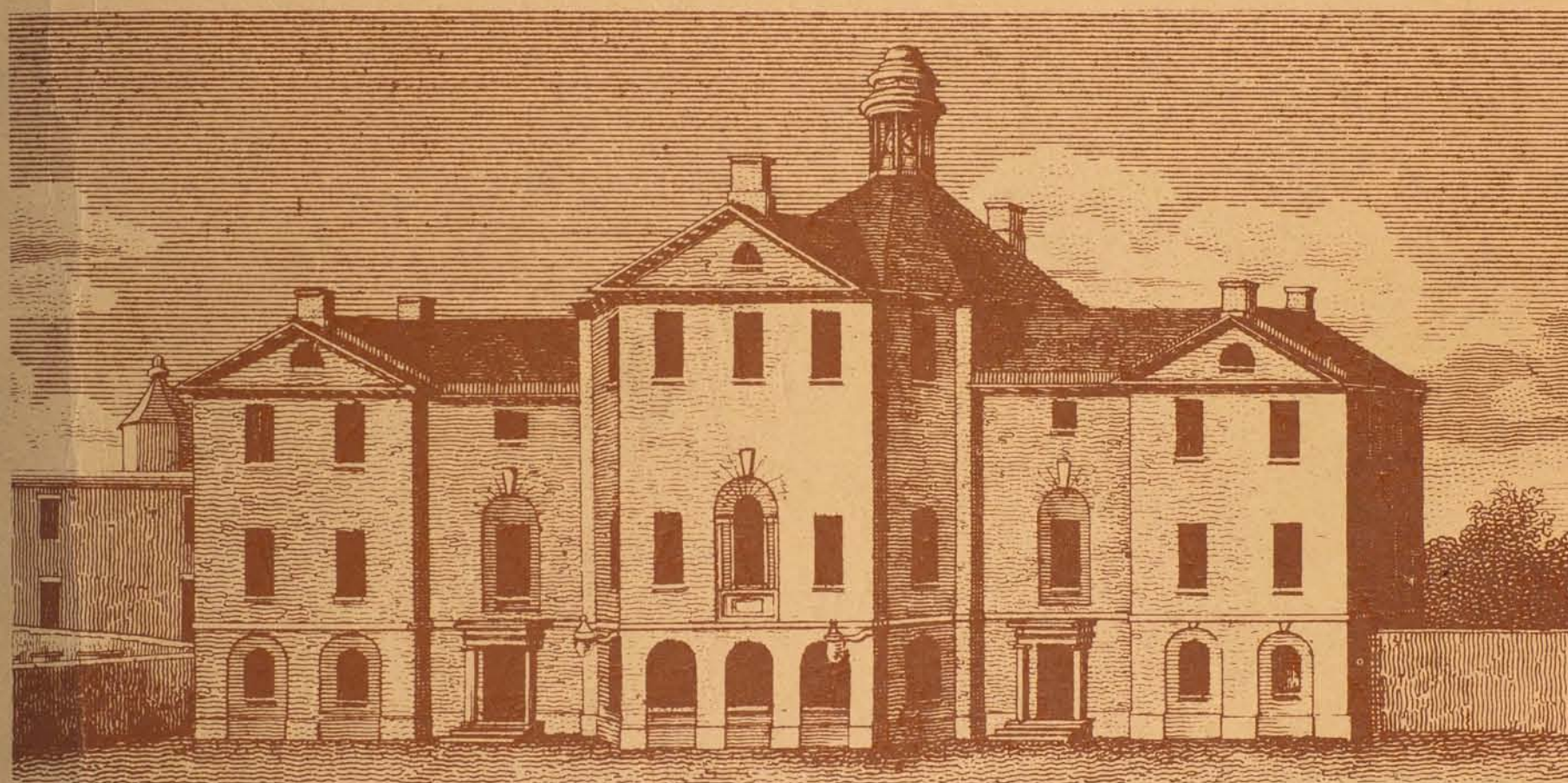


The Massachusetts Courts



1975 - 1976

State Library of Massachusetts

01M3
515
976
.2

HIGHLIGHTS OF THE TWENTIETH ANNUAL REPORT

As of June 30, 1976

The Massachusetts Board of Bar Examiners passed a total of 1,346 applicants in Fiscal 1976, a 46 % increase over the 919 applicants passed ten years ago in Fiscal 1966. (page 40)

In the Supreme Judicial Court the average number of days from entry to decision decreased 2 % from 235 to 230 days. The caseload increased 11 % from 268 opinions to 297 and 7 % from 327 cases entered or transferred from the Appeals Court to 351. (page 42)

In the Appeals Court total entries declined slightly from 875 to 819, although total opinions increased 13% from 256 to 289 and the average number of days between entry and consideration increased 42% from 251 days in 1975 to 356 in 1976. (page 42)

The Superior Court made progress in developing the Court Case Management System and in improving its jury management. Analysis of progress in reducing pending cases compared to judge days available suggests a greater correlation between judge days and caseload reduction on the criminal side than it does on the civil side (pages 44 and 45 . Ten year comparisons of caseload and entries have also been made for each county (page 78).

Passage of legislation allowing District Court justices to be certified to sit in the Superior Court will be of great value in reducing pending cases in that court. (page 36)

The Probate Courts made progress in uniform forms throughout the state in adopting monthly reports of cases including delay figures and in collecting support payments. Pre trial case marking procedures also promise to expedite judicial business in this court. (page 46)

The death of Chief Justice Flaschner was a great loss for the District Courts and all our courts. The merit of his programs was proved by the commitment with which they were continued by many judges, clerks, probation officers and administrators throughout the District Court system. (page 48)

Case scheduling in the Boston Municipal Court is a model for other courts. (page 49)

The activities, organization and management by objectives process of the Office of the Executive Secretary are described at pp. 1 - 7). A comparative analysis of many court reorganization proposals, including that advocated recently by the Select Committee on Judicial Needs, appears at pages 13 - 17.

THE COMMONWEALTH OF MASSACHUSETTS

TWENTIETH ANNUAL REPORT

to the

JUSTICES OF THE

SUPREME JUDICIAL COURT

as of

JUNE 30, 1976

John A. Fiske
Executive Secretary

MR

401M3

A615

1976

C.2

SUPREME JUDICIAL COURT FOR THE COMMONWEALTH

300 NEW COURT HOUSE

BOSTON, MASSACHUSETTS 02108

JOHN A. FISKE
EXECUTIVE SECRETARY

JOHN F. BURKE
ROBERT S. BLOOM

February, 1978

617 227-2841
OR
617 742-9250
EXT.

TO THE HONORABLE JUSTICES OF THE SUPREME JUDICIAL COURT

There follows the Twentieth Annual Report of the Executive Secretary to the Justices, as of June 30, 1976. Written pursuant to G.L.c. 211, section 3F, the report describes the activities of this office and the progress and problems of the various Massachusetts courts and related agencies during Fiscal 1976.

On the inside front cover appears the highlights. Unique features of this report include a comparison of five recent studies and recommendations to improve the financing, organization and administration of our courts (p. 17), a detailed analysis of county court expenses (p. 58), and five and ten year comparisons of work at the appellate and Superior Court levels (pp. 66 and 78).

At the time of this writing there appears substantial reason to hope for legislation improving the financing and organization of courts. I hope the long overdue legislation will take advantage of the administrative progress made in our courts in Fiscal 1976 and indicated in this also overdue report.

Sincerely,

John A. Fiske
Executive Secretary

TABLE OF CONTENTS

	Page
HIGHLIGHTS	Inside Front Cover
ACTIVITIES OF THE OFFICE	1
COURT MANAGEMENT	8
FINANCING THE COURTS	10
COURT UNIFICATION	13
COURT FACILITIES	19
COURTHOUSE SECURITY	29
THE MASSACHUSETTS JUDICIARY	30
MASSACHUSETTS JUDICIAL CONFERENCE	33
COURT RULES	35
MENTAL HEALTH LEGAL ADVISORS	37
MASSACHUSETTS DEFENDERS COMMITTEE	38
BOARD OF BAR EXAMINERS	40
BOARD OF BAR OVERSEERS	40
THE JUDICIAL SYSTEM	42
APPENDIX I: Costs of Operating the Courts of the Commonwealth	53
APPENDIX II: Statistics on Work Accomplished by the Courts in the Commonwealth	63

ACTIVITIES OF THE OFFICE

Established by 1956 statute to serve as "the eyes and ears" of the Supreme Judicial Court in administrative matters, the Office of the Executive Secretary to the Justices of the Supreme Judicial Court functioned until 1970 primarily as a data gathering and reporting agency. Indeed, the statutes creating the office and setting forth its duties, G.L.c. 211, §§ 3A-F, are stated in terms of inquiry, investigation, reporting and recommending.

On this statutory basis and because of severe staff limitations, the office initially limited its activities to gathering statistics on court operations and finances formerly gathered by the Judicial Council, to investigating complaints, to responding to inquiries with respect to the impact of proposed legislation on the courts and to the publication of an Annual Report including recommendations for the improved management of the Massachusetts courts.

In 1970 and 1971, this situation began to change discernably. The statutory staff limit was increased by one position in 1970 and, in 1971, the office received the first of a series of federal grants permitting it by delegation from the Justices of the Supreme Judicial Court to undertake a broad range of activities in court management. At the same time, the trial courts began to develop and expand administrative offices of their own.

As the activities and personnel of the office gradually expanded in response to a greater appreciation of the need for an effective state court administrative office, a corresponding need arose to plan the development of the office and to take systematic steps to organize the office in preparation for foreseeable additional activities.

Chief Justice G. Joseph Tauro laid the basis for this task in his comprehensive *Report of the Chief Justice on the Office of the Executive Secretary to the Justices of the Supreme Judicial Court*, published in the spring of 1975. Pursuing the Chief Justice's work, the Executive Secretary engaged the consulting firm of Peat, Marwick and Mitchell in the winter of 1976 to assist in the development of a systematic process for organizing the office's limited resources to meet the various current and likely demands upon it.

The initial phase of this ambitious but necessary undertaking consumed a substantial amount of staff time during early 1976. The result was the adoption of mission, goals and result-oriented objective statements defining in order of importance the priorities of the office for 1977 and beyond. This management plan has been presented to the Justices of the Supreme Judicial Court under whose supervision the office operates.

In the context of flexible and growing demands upon the office as a state court administrative office, the Management by Objectives process is valid and particularly appropriate. It provides a method by which priorities may be weighed, tasks assigned, deadlines set, and accomplishments measured. Most importantly, it provides personnel with supervisory and operational responsibilities a means of allocating resources in an intelligent fashion. The Management by Objectives process prevents an overextension of limited resources in response to an uncontrolled accretion of tasks and responsibilities, and provides the Justices of the Supreme Judicial Court with an efficient system for informed supervision of the office.

One thing is clear as a result of this process. In assuming responsibility for any new task, the office must carefully weigh its implications in terms of time and personnel and recognize that the acceptance of responsibility for any given task may well require the diminution or abandonment of effort in other areas.

The administrative activities of the office closely relate to those of the administrative offices of the several courts. Thus, any report of the activities of the Executive Secretary's Office will reflect, in part, the activities of the administrative offices of the other courts.

In this respect, I wish to add my appreciation of the cooperation and courtesy extended to me and members of my staff by the judges and supporting personnel of all the courts. We are fortunate that, under the leadership of Chief Justices Tauro, Hennessey, Hale, Flaschner, Zoll, Lewiton and Chief Judge Podolski, among others, a close working relationship has been established among the various administrative offices of the Massachusetts courts. As our courts confront any number of complex administrative problems in the next few years, the concern, cohesion and mutual respect that has been established among court administrators at all levels will stand us and our courts in good stead.

Administrative staff at all levels is limited by financial, space and other constraints. I safely predict that our complex organization called the Massachusetts Court System will require increasing management skills at all levels, and therefore our respective administrative offices and management training of other court personnel must develop in an orderly and systematic manner.

Court Planning

The planning unit of the office consisted on June 30, 1976 of the Court Planner, Robert A. Drumm, a Columbia Business School graduate and former staff associate of the National Center for State Courts, and Ann Taylor, a management consultant in the public sector. The unit was established in March, 1975 to provide long-range planning for all the Massachusetts courts and to research, develop and institute new programs and services. In Fiscal 1976, the unit was productive in three basic areas:

1. *Management Development.* The unit drafted a Personnel Manual for the Supreme Judicial Court and designed a Classification and Compensation System for the SJC and Appeals Court. The unit developed a Massachusetts Court Budget Book for use in all 97 courts preparing over 400 budgets, a looseleaf planning, monitoring and reporting tool that emphasizes the use of the budget process as a decentralized management method at all levels of our courts.

2. *Planning.* The unit prepared a Request for Proposal and supervised all consultant work in conjunction with the Management Plan for the Office of the Executive Secretary. The unit coordinated the successful submission of a \$200,000 discretionary planning grant application for support of a Judicial Planning Committee to establish goals and monitor progress in such areas as electronically aided case management in the Superior Court, expanded use of tape recorders in the District Courts and for implementation within the courts of other recommended improvements arising out of the planning process.

The planning unit, acting in cooperation with administrators and judges of the several courts, developed the first Massachusetts strategy for coordinated use of available LEAA money, a planned approach made more necessary by the diminution of needed federal funds. These judicially defined priorities for the use of available LEAA funds were incorporated by the Committee on Criminal Justice in its 1977 Comprehensive Plan for Massachusetts.

3. *Grant Coordinator.* The planning unit spent much time in the necessary and often enervating process of reporting, developing work plans, monitoring budgets and looking for ways to fit last minute needs into defined priorities. Seldom appreciated, the process of making court plans flexible without jeopardizing their basic fiber was an important product of the planning unit in Fiscal 1976.

Electronic Data Processing

The Judicial Data Processing Center (JDPC) created in the office of the Executive Secretary and administered by the Director of Judicial Data Processing, Robert Mitchell, provides a technical resource in collecting statistical management information for the improved administration of the Massachusetts courts.

The JDPC serves the needs of the several courts by providing a variety of services in such areas as case flow management, jury management, financial reporting, probation management information, automated legal research, criminal history maintenance and the like.

On February 13, 1976, the Director of Data Processing, Frank Buda, resigned to accept employment in private industry and Robert K. Mitchell was appointed to succeed him.

In January, 1976, the Probation Information Management System went into full operation at the East Cambridge District Court. This system has since spread throughout eastern Middlesex County at the District Court level.

In March, 1976, a statement of understanding regulating the relationship of the courts and their maintenance of criminal history data at the probation central file to the Criminal History Systems Board was agreed to by the Attorney General as the Chairman of the Criminal History Systems Board, the Chief Justice of the Superior Court, the Commissioner of Probation and the Executive Secretary. This agreement, designed to maintain the separation of powers, where necessary, and to facilitate inter-branch cooperation, wherever possible, set the guidelines for the continued development of the Criminal Justice Information System and the automation of the probation central files.

Three months earlier, in December, 1975, the Judicial Data Processing Center completed the functional requirements document CCMS-3 for the Court Case Management System and released a request for information in February of 1976.

Plans for Fiscal 1977 focus on release of proposals for CCMS software and JDPC hardware in order to develop as promptly as possible in a systematic fashion the capability of the JDPC to provide useful automation services to all the courts in all the counties.

Budget Training and Preparation

Common to most current recommendations for the improved administration of the Massachusetts courts is the concept, in one form or another, of unified budgeting. Although the initiation of this particular improvement will require substantial statutory amendments regardless of the eventual form of its implementation, it is essential that personnel of the Executive Secretary's office and of the various courts attempt preliminary steps to develop uniform and consistent budgetary planning and accounting practices. In this fashion, the individual courts will obtain a better understanding of their fiscal needs and it will become possible for the first time accurately assess the financial needs of the entire court system.

To facilitate this process, Carol Wishoski, this office's budget specialist, has been assigned to oversee the development of the "budget book" project.

Mrs. Wishoski's efforts are an extension of earlier activities begun jointly by this office and the National Center for State Courts to increase the internal financial capabilities of the Massachusetts courts – an essential precursor to any progressive change in the method of financing the Massachusetts courts.

The submission by the Massachusetts courts in present circumstances of more than 400 separate budgets necessitates these attempts at coordination. The "Budget Book" project proposes to alleviate present budgetary difficulties by developing uniform budgeting and accounting systems including standardized forms.

While the "Budget Book" project, in which 23 courts have voluntarily joined, will not alleviate all of the judicial system's fiscal management problems, its successful implementation will permit:

- a uniform budgeting and accounting system;
- an accurate projection of fiscal needs;
- the development of well documented budget requests;
- establishment of control and monitoring procedures;
- the coordination and integration of inter-departmental budgets; and
- introduction of standardization and continuity into the budgeting processes of the courts.

Personnel

On November 25, 1975, the Supreme Judicial Court adopted by order a classification and compensation plan for all non-professional employees (clerk typists, secretaries, para-legal editors and the like) of both the Supreme Judicial Court and the Appeals Court. The plan was based on a lengthy study by the National Center for State Courts and recommendations of several department heads of the two courts, and was subsequently accepted by the House and Senate Ways and Means Committees.

In January of 1976 the office retained the Jacobs Company to study and recommend an analogous system for professional employees of both courts. By the end of June, 1976 the draft report had been subjected to intense analysis by the department heads and other employees of the courts. Based on their comments and the Jacobs Company recommendations, a personnel specialist (Mr. Dana Owens) was hired to adopt the plan to the needs of the appellate courts and to assist all courts in the area of personnel management. Mr. Owens also continued work with the department heads of both courts on a Personnel Manual for the courts.

As other successful projects undertaken by this office, this experience has demonstrated the wisdom of the planning units performing the basic tasks associated with the development of new practices and procedures and then, once developed, transferring responsibility for their implementation to appropriate operational personnel. Where the line between planning and operations is drawn is often unclear, and remains to be resolved on a project basis.

Public Information

During 1975-1976, this office initiated a public information program serving the news media, the other branches of government, schools, civil groups and the general public. The purpose of this program is to provide the accurate and timely information on court organization, administration and operations essential to an appreciation of our judicial system and to the fostering of support for its improvement.

Assistant Executive Secretary, John F. Burke, a former law clerk and administrative assistant to the Chief Justice of the Superior Court and the Chief Justice of the Supreme Judicial Court, and Public Information Specialist, Judith A. Hamilton, are responsible for the development of this program.

Among the activities of this unit were:

- Judicial participation for the first time in the Commonwealth's Student Government Day Program;
- Speaking engagements before school and civic groups;
- Support for the establishment of the Massachusetts Association on Law-Related Education;
- The periodic publication of an educational newsletter for distribution to all Massachusetts high schools;
- The development of a proposal, adopted by the justices of the Supreme Judicial Court, that the initial distribution of opinions of broad public interest be accompanied by brief "head-notes" to facilitate news reporting;
- The publication of releases on court activities;
- The establishment in conjunction with the Citizens Information Bureau of the Office of the Secretary of the Commonwealth of a referral service for inquiries relating to the Massachusetts courts;
- The facilitation of student "field trips" to courts;
- The conduct of a survey of interest and active participation within the Massachusetts judicial system in programs of law-related education; and
- Cooperation with bar association activities in the area of public information.

The existence of this project has provided a recognized source to which the press, researchers, government officials and the public can resort for prompt and accurate information on the Massachusetts courts. Probably as important, its existence has also served to avoid unfair and incorrect comment based on misinformation.

With the growing public awareness of the need for improving the Massachusetts court system, it is imperative that the courts maintain a continuing and expanded public information program. The practical difficulty presented to this office is that, while the maintenance of such a program on a full-time basis is essential, those persons charged with its execution are simultaneously charged with a variety of other duties. This situation is characteristic of many other areas of activity in this office where a small but highly skilled staff is expected to develop specific programs and, at the same time, to provide a variety of other talents to respond to the exigencies of the moment.

Judicial Complaints

Pursuant to G.L.c. 211, § 3C, Assistant Executive Secretary John Burke and Judith A. Hamilton receive and process all complaints made to this office with respect to judges and court supporting personnel.

In the absence of a more effective process, complaints against judges or court supporting personnel, except probation officers, are referred to their appropriate judicial superiors. Complaints against probation officers are referred to the Commissioner of Probation. Complaints against lawyers are referred to the Board of Bar Overseers.

While, in total numbers, complaints are relatively few, they do present time-consuming problems.

Many complaints stem from a misunderstanding of judicial processes or inaccurate information about particular judicial acts and can be resolved rather quickly. More difficult problems arise when complainants seek to obtain review of judicial acts by administrative procedures rather than through the ordinary channels of appellate review. Most of these complaints, often very emotional, arise out of domestic disputes and frequently amount to complaints against lawyers rather than judges or other court personnel.

Some complainants are potentially frivolous or irrational. Much more difficult and time consuming, however, are possibly valid complaints lodged by irrational complainants.

A frequent cause of complaint has been the delay by some judges in the rendering of decisions in matters taken under advisement. However, the simultaneous adoption in June, 1976 of all of the trial court chief justices of a consistent policy for resolving such complaints has all but eliminated the referral of such complaints to this office.

During the 1976 legislative year, this office filed and supported a bill to establish by constitutional amendment a Committee on Judicial Qualifications. Early on, it became apparent that this bill would not be enacted. This office then supported a bill for the creation of a statutory commission with necessarily lesser powers. Unfortunately, this bill also failed during prorogation. Consequently, the Supreme Judicial Court has taken steps to establish by court rule an effective Committee on Judicial Responsibility consisting of judges, lawyers and lay persons.

In the absence of any appropriation for this purpose, this office will probably, at least on a temporary basis, be required to provide the administrative support for the Committee on Judicial Responsibility to be established by court rule.

Judicial Education

Supported by an LEAA block grant award from the Massachusetts Committee on Criminal Justice, the Executive Secretary's office has continued to administer an educational program for all Massachusetts courts.

Some programs initially underwritten by federal funds have since been assumed by the Commonwealth, such as the semi-annual educational conference of the Superior Court and monthly conferences of Superior Court justices and District Court justices for the discussion of common problems such as bail.

Marking a trend for greater involvement of court supporting personnel in educational programs, the Executive Secretary's Office, the District Courts, the Boston Municipal Court and the Superior Court, with the assistance of the Institute for Court Management, cooperated in the planning of a three-week training program for court clerks. This program was supported by an LEAA discretionary grant. In the same vein, the Executive Secretary's office, the office of the Chief Justice of the District Courts and the Court Officers Association cooperated with the Massachusetts Criminal Justice Training Council in establishing a series of week-long training programs for court officers. The Council is financed by statutory sur-charges levied upon fines imposed by the courts, and holds much promise for continued court education programs independent of federal funds.

The increasing shortage of federal education funds relative to the demand makes needs analysis and priority setting all the more important.

Given the wealth of teaching talent within our judicial system, I encourage the development of in-state programs for judges and court supporting personnel organized on an inter-court basis to supplement any possible attendance at out-of-state conferences and semi-annual conferences for the several courts.

The thanks of all the courts should be extended to Sheila McCann, the education coordinator, in this office, who resigned in June 1976 to assume an administrative post at Harvard Law School. Ms. McCann, often with some inevitable frustration, labored long to develop a cohesive and comprehensive educational program for all our courts. Upon her resignation, her duties were assigned to Assistant Executive Secretary John F. Burke and Judith A. Hamilton. As a result of continuing efforts to improve the organization and administration of the office, these functions will eventually be transferred to Dana Owens, Personnel Specialist.

COURT MANAGEMENT

In terms of court management, the past year has been a remarkable one for Massachusetts. In addition to internal improvements carried out by the courts themselves and specific improvements obtained through legislative enactments, the past year has been marked by an intensification of the public awareness of the need to improve the organization and administration of the Massachusetts courts.

During the period covered by this Report, July 1, 1975 to June 30, 1976, a number of significant reports have been published on ways and means to improve the Massachusetts courts. These include retired Chief Justice Tauro's 1975 Report on the State of the Judiciary (December, 1975), the 51st Annual Report of the Judicial Council (January, 1976), the Report of the Massachusetts Bar Association's Special Committee on Court Reform (February, 1976) and the Final Report and Recommendations of the National Center for State Courts (May, 1976).

In addition, Governor Michael S. Dukakis, in January, 1976 announced the appointment of a Select Committee on Judicial Needs, chaired by Harvard Law School Professor Archibald Cox and charged with the particular duty of recommending methods for reducing congestion and delay in the courts.

Although the Select Committee's Report was submitted to the Governor and the Legislature after the period covered by this Report, discussion of its findings and recommendations have been included here for the purpose of completeness.¹

Since all of these reports, read in their totality, raise fundamental issues affecting the administration of justice, it is appropriate, in this section of this Report, to include a summary of each of them so that interested readers might find in one convenient place a compendium of current proposals for improving the Massachusetts courts.

These summaries are compiled in chart form on p. 17. Readers interested in more detail should consult the text of the specific reports, all of which are available through this office.

Naturally, these reports differ somewhat in approach, emphasis and strategy. However, they do address commonly recognized problems and, in general, support basic remedial measures to create more flexibility and accountability in our court system. These measures include state assumption of court costs under a unified budgetary system, establishment of a cohesive court personnel system, support for a more effective administrative system for the courts, jurisdictional and procedural refinement, some form of court unification and greater delegation to the courts of the power and responsibility for their administration and management.

There follows a brief compilation of these reports, intended to present together for consideration the informed thoughts of many knowledgeable persons. This office makes no attempt here to support the recommendations of one over the others in the belief that, at this point, consideration of all alternative means is most appropriate. After all, "there is more than one way to skin a cat."

¹ More recently, the Judicial Council has published a special report entitled, *The Time Has Come To Act*. Although this report differs in some particulars from the other reports mentioned above, particularly with respect to unification of the Superior, Probate, Land and Housing Courts, it is in general agreement with them on such matters as state assumption of court costs, development of a unified budgetary system, improved state court administration, unification of the District Courts and the more flexible use of available judicial resources.

By the same token, pride of authorship or vested interest in the status quo should not impede discussion of any feasible alternative for improving the organization and administration of the Massachusetts courts.

In December, 1975, the Massachusetts Law Quarterly published Chief Justice Tauro's sixth and final Report on the State of the Judiciary, a report addressed almost entirely to the future development of the Massachusetts court system. With some exceptions, the Chief Justice did not propose specific recommendations but rather raised, on the basis of fourteen years of judicial and administrative experience, issues which must be considered and refined in any overall plan to improve the organization, administration and operations of the Massachusetts courts.

Beginning the second half of its first century of activity, the Judicial Council of Massachusetts issued its Fifty-first Annual Report in January, 1976.

Its "General Observations on the Judicial System" closely parallel the recommendations and suggestions of other recent reports and reflect a gradually emerging consensus of general principles with respect to the major problems of the Massachusetts court system and their appropriate solutions.

In January and February, 1976, the Massachusetts Bar Association's Committee on Court Reform conducted a series of meetings resulting in a report issued in March 1976 recommending the adoption, in principle, of "the concept of a unified single trial court and a system of central administration of funding" for the Massachusetts courts.

The Committee was formed by President Charles Y. Wardsworth "with a mandate to define the problems within the administration of justice system and to make specific recommendations on needed long-range reforms to make it more responsive to the needs of justice."

The Massachusetts Regional Office of the National Center for State Courts submitted to the Justices of the Supreme Judicial Court its final report entitled, *Massachusetts Courts -- Summary and Recommendations*. This report, containing 49 recommendations for the improved organization and administration of the Massachusetts courts is the final report in a series prepared for the courts as part of a three year comprehensive study financed by the Massachusetts Committee on Criminal Justice and the Permanent Charity Fund, Inc., of Boston.

On January 13, 1976, Governor Dukakis, by executive order, established the Select Committee on Judicial Needs and charged it with "the task of making legislative and administrative recommendations to reduce backlog and delay in our courts."

The Committee, chaired by Professor Archibald Cox of Harvard University Law School and including retired Chief Justice G. Joseph Tauro, Attorney-General Bellotti, two senators (one subsequently appointed a District Attorney), two representatives, a Superior Court justice, a District Court justice, a district attorney and ten practicing lawyers and private citizens, submitted its report on December 9, 1976.

The subsequent topical summaries of these five reports are grouped by common subject matter to present their various views on each of the major subjects addressed by these groups and individuals.

FINANCING THE COURTS

For the fiscal year ending on June 30, 1975, total cost expenditures for Massachusetts, from federal, state and county sources were \$99.3 million dollars, an increase of approximately .3% over fiscal 1975's total of \$99.0 million. In fiscal 1976, the courts collected a total of \$16,059,480.86 million dollars, a 10% decrease from the \$17,961,000 collected in Fiscal 1975. Therefore the "net" cost of court expenditures less revenues amounted to \$83.3 million dollars as compared to \$81.1 for fiscal 1975.

The largest portion of the total \$99.3 million are paid by the 14 counties. In FY 76 the total county budget for the courts was \$77.4 million. The state contributed \$18.4 million and the federal government \$3.5 million. The state's contribution of \$18.4 million is equal to approximately .3 of 1% of the total state budget of \$4.6 billion. The counties spent an average of 55% of their total budget appropriations on the courts, with Barnstable spending the smallest percent (26% of its total budget) and Suffolk the largest percent (82% of its total county budget).

If the state were to assume the total costs of operating the courts, the \$77.4 million spent by the counties and the \$18.4 million spent by the state would equal 2% of the 1976 Massachusetts budget.

Illustration 1 below shows the total amount spent by the 14 counties on the courts in 1966. Illustration 2 shows this amount for FY 76. A comparison of the two illustrations shows that the counties are spending bigger slices of their present budgets to finance their courts than they were spending ten years ago. The proportion of the total county budget going to the courts would, in actuality be larger than what is shown by these two illustrations as the dollars spent on court construction and debt reduction as well as amounts spent for pensions and insurance for court employees have not, by tradition, been segregated as "court" costs. The chart on p. 60 shows the actual dollar amounts as well as the percentages spent by each of the 14 counties in 1966 and in 1976. This chart reveals that in every county except Nantucket the percentage of the total budget spent for courts has increased. In every county including Nantucket the number of pending cases, at the Superior Court level, has increased as well.

In an examination of the relevant factors which affect the Massachusetts courts, i.e., caseload, personnel, and budgets, one category which has not increased from 1966-1976 is the percentage of its total budget which the Commonwealth allows its courts. This factor is shown by illustrations 3 and 4. In 1966 the state spent .5 of 1% of its total budget on the courts, in 1976, .4 of 1%. The actual dollar amount has risen \$5,624,624 out of a total 1.0 billion in 1966 and \$18,455,905 out of 4.7 billion in FY 1976.

FIGURE 1

1966

Total Court
Total County

\$21,314,974
\$49,410,655

43% on Courts

1966

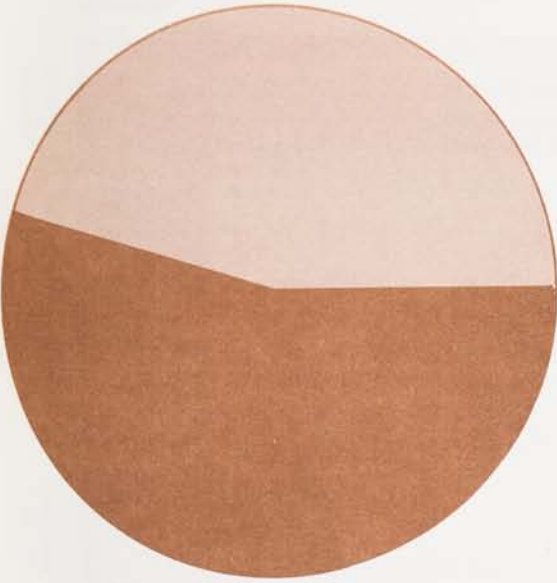


Illustration No. 1

1976

Total Court
Total County

\$76,847,430
\$140,002,065

55% on Courts

1976

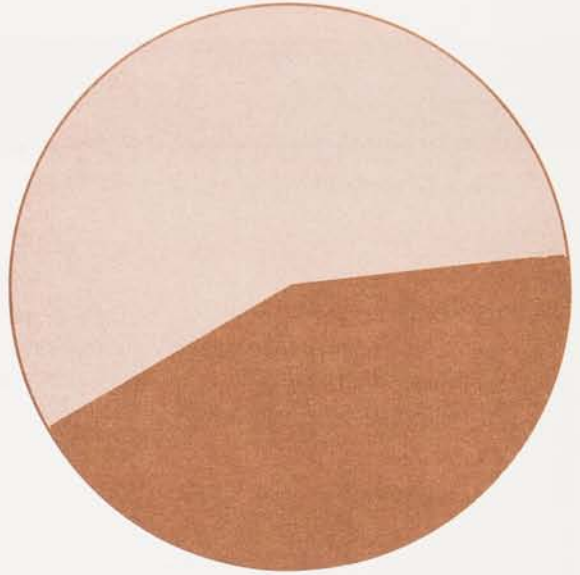


Illustration No. 2

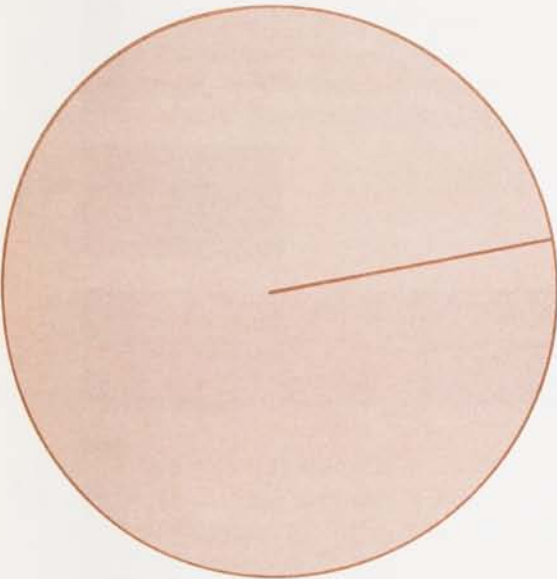


Illustration No. 3
.5 of 1% of total

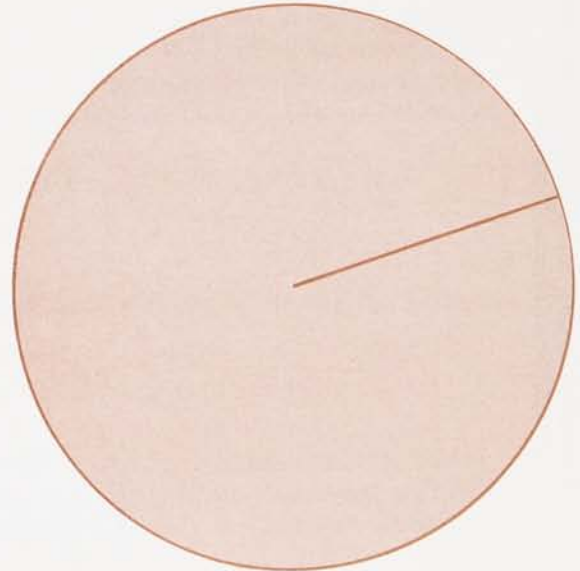


Illustration No. 4
.4 of 1% of total

\$35

FIG.2 : Chart Illustrating where State, County and Federal Funds were spent in the Commonwealth Fiscal Year 1976

\$30

\$25

\$20

\$15

\$10

\$5

Millions
of
Dollars

State

Suffolk

All Other
Counties

Federal



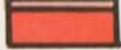
Supreme
Judicial
Court



Appeals
Court



Superior
Court



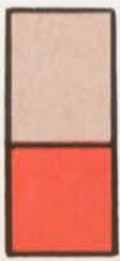
Probate
Courts



Land
Court



Housing
Courts



County
Clerks



Juvenile
Courts



Superior
Court
Probation



District
Courts



Pensions
Libraries
& Other



Mainten-
ance &
Interest



Federal
Projects

COURT UNIFICATION

Chief Justice Tauro

Although the tenor of Chief Justice Tauro's Report is definitely sympathetic to the concept of court unification in principle, he advocates "patience, flexibility and concern for existing arrangements" -- a gradualism based on "a carefully conceived and developed comprehensive plan," balancing theory with pragmatism and a desire to retain the best aspects of our existing system.

Judicial Council

The Judicial Council did not recommend court unification, at least insofar as that term might be construed to mean the establishment of one trial court of general jurisdiction. Instead, the Council stated, "The General Court and the average citizen of the Commonwealth must first become convinced that one single trial court would be more efficient and result in better administration of justice. . ."

Massachusetts Bar Association Committee on Court Reform

The Massachusetts Bar Association Committee on the other hand, recommended the structural unification of the Superior, Probate, Land, Boston Municipal, District, Juvenile and Housing Courts into one unified trial court to avoid procedural and jurisdictional fragmentation and to ensure accountability and the more flexible use of judicial resources.

National Center for State Courts

Since the National Center's study was addressed to the improved management of the Massachusetts courts as presently organized, it did not consider court unification as such. Within the present arrangement, the Center did recommend the cross-assignment of judges on a regional basis.

Select Committee on Judicial Needs

With respect to the structural organization of the Massachusetts courts, the Select Committee endorsed the division of the present courts in a two-tiered system. The unified Superior Court would consist of the present Superior, Probate, Land and Housing Courts. The second, community oriented tier would consist of the unified District, Boston Municipal and Juvenile Courts.

FINANCING THE COURTS

Chief Justice Tauro

In keeping with his comments on court unification, Chief Justice Tauro advocated the gradual assumption of all court costs by the Commonwealth.

Judicial Council

Further commenting upon the related subject of court unification, the Council observed, "Unification is impossible without a new method of financing, and is not possible without a drastic revision of the concept of county government unless. . . the entire costs of the courts are shifted to the Commonwealth."

Massachusetts Bar Association Committee on Court Reform

Proceeding upon the basic conclusion that the "present system of financing the court system is . . . both illogical and unproductive", the Committee recommended that the Supreme Judicial Court be vested with the sole responsibility of preparing the annual judicial budget.

National Center for State Courts

The National Center urged consideration of state assumption of all court costs.

Select Committee on Judicial Needs

The Select Committee recommended gradual state assumption of full financial responsibility for the Commonwealth's court system and the submission to the Legislature by the Chief Justice of the Supreme Judicial Court of a single annual budget for all courts of Massachusetts.

JURISDICTIONAL ORGANIZATION

Chief Justice Tauro

Chief Justice Tauro cautioned against jurisdictional changes, implicit in a too simplistic approach to court unification, and suggested the transfer of civil and criminal trials *de novo* to the District Courts and the removal of minor traffic offenses from the court system.

Judicial Council

Relying heavily on the writings (1922) of Justice Henry T. Lummus, the Council condemned trial *de novo* in criminal cases as "an antique" but did not propose any specific alternative in the absence of a study of experiences in other populous states having conditions similar to those existing in Massachusetts.

Massachusetts Bar Association Committee on Court Reform

The Committee advocated the abolition of trial *de novo*.

National Center for State Courts

The National Center recommended elimination of the right to a jury trial in minor motor vehicle cases, in criminal prosecutions involving fines of \$500 or less or jail terms of six months or less and in civil disputes of \$2,500 or less; the vesting in the District Courts of exclusive civil jurisdiction over all claims of \$2,500 or less and the abolition of conflicting or overlapping subject matter jurisdiction among the various trial courts.

Select Committee on Judicial Needs

Recognizing the extraordinary fragmentation of jurisdiction among the Massachusetts courts, the Select Committee recommended strengthening the District Court system and the adjustment of jurisdiction between the Superior Court and the District Courts to match caseloads to resources.

In particular, the Committee recommended the vesting of exclusive jurisdiction over all civil claims for \$10,000 or less in the proposed, unified District Court and the transfer of all criminal and juvenile trials *de novo* to the District Court.

In addition, the Committee recommended the decriminalization of minor motor vehicle violations, the transfer to the civil side of the District Court of all non-support complaints, exclusive jurisdiction in the District Court of judicial review of decisions of municipal zoning boards of appeal and final and exclusive jurisdiction in the District Court of all private claims for damages up to \$10,000 in consumer protection actions.

JUDICIAL MANPOWER

Chief Justice Tauro

Chief Justice Tauro again focused special attention on the need for a substantial increase in the Superior Court's bench to provide speedy trials in both civil and criminal cases.

In addition, he advocated the temporary recall of retired justices of the Supreme Judicial Court to sit in that Court's single justice session and the temporary recall of retired justices of the Appeals Court.

Judicial Council

The Judicial Council recommended the expansion of the Superior Court bench.

Massachusetts Bar Association Committee on Court Reform

and

National Center for State Courts

Like the National Center for State Courts, the Committee recommended the cross-assignment of judges on a flexible regional basis to make the most effective use of judicial manpower.

Select Committee on Judicial Needs

The Select Committee recommended the statutory establishment of the total number of Massachusetts judges at 258, the maximum authorized under prior legislation, and the permanent transfer of fifteen judgeships to the Superior Court.

COURT MANAGEMENT

Chief Justice Tauro

Chief Justice Tauro argued strongly for the establishment of an effective state court administrative office as "the key to the most advantageous use of our judicial resources."

Yet, in any administrative reorganization of the courts, he urged that "the chief justices should be treated as the administrative heads of their respective courts or court systems with general powers of superintendence within them subject to the Supreme Judicial Court's powers of superintendence over the Commonwealth's entire judicial system."

Judicial Council

In commenting on then pending legislation affecting the composition, organization and duties of the Executive Secretary's office, the Judicial Council reported that the "substance of the bill . . . makes it clear that it is a foundation for a strong administrative office which will be responsible not only to the Supreme Judicial Court but also to the legislature."

Massachusetts Bar Association Committee on Court Reform

The Committee did recommend the vesting of administrative responsibility in the Chief Justice of the Supreme Judicial Court, subject to the general superintendence of the Court and an eight year limitation on his term of office.

The Committee did not make any specific recommendations with respect to the establishment or functions of an effective state court administrative office responsible to the Supreme Judicial Court or its Chief Justice.

National Center for State Courts

The National Center supported the increased capacity and authority of a central state court administrative office as well as the gradual development of regional court administrative offices encompassing one or more counties.

Select Committee on Judicial Needs

The Select Committee recommended that the Chief Justice of the Supreme Judicial Court, subject to the general superintendence of the full court, should, by statute, be designated the "chief executive of the Massachusetts Courts and that, in this capacity, he should have responsibility for administrative supervision of the Chief Justices of the Superior and District Courts." The Committee also recommended that the Chief Justice should be empowered to designate regional administrative judges at the Superior Court and District Court level.

To assist him in the execution of his proposed administrative duties, the Select Committee recommended that the Chief Justice of the Supreme Judicial Court, subject to the approval of the full Court, should "be authorized an Administrator of the Massachusetts courts . . . together with such additional personnel as he deems necessary to assist him in carrying out his executive responsibility."

Other Areas of Discussion

Chief Justice Tauro, the National Center and the Select Committee all recommended the establishment of a coordinated personnel system for all the Massachusetts courts, the more effective use of electronic data processing in court management and the expansion of public education programs as a means of maintaining interest in and support for improved court management and organization.

The National Center and the Select Committee proposed a number of additional recommendations in such areas as the elimination of certain minor cases from the courts by diversion, decriminalization, arbitration and mediation, the increased use of electronic recording equipment in judicial proceedings, changes in the method of selecting court support personnel, the establishment of a Judicial Conduct Commission, increased court control over court calendars and the adoption of strictly enforced continuance policies and the institution of mandatory education programs for judges and other court personnel.

In summary, 1976 saw many experienced and knowledgeable lawyers, judges and lay persons articulate careful analyses of problems in our courts and suggestions to improve their performance. Despite diverse backgrounds and viewpoints, there is much agreement on the need for more judges, state assumption of court costs, a stronger administrative office, and more flexibility in the assignment of judges through unification, cross-assignment or regionalization. As 1976 was a year for discussion, this office shares the hope of the governor, judicial and legislative leaders that 1977 will be a year for action to effect many of these familiar recommendations.

RECOMMENDATIONS OF CURRENT COURT EXPERTS

	Chief Justice Tauro	Judicial Council	Massachusetts Bar Association	National Center for State Courts	Select Committee on Judicial Needs
Judicial Manpower	Advocated expanding Superior Court bench using recalled justices.	Has since advocated expanded Superior Court bench.	Recommended cross-assignment of judges on a flexible regional basis.	Recommended cross-assignment of judges on a flexible regional basis.	Establish judiciary at 258 judges including permanent transfer of 15 judges to the Superior Court.
Court Management	Recommended expansion of Executive Secretary's office and recognition of Chief Justices as administrative heads of their respective courts.	Supported expansion of Executive Secretary's office as state court administrative office. Has since recommended "cabinet" role for Judicial Conference.	Recommended vesting of administrative responsibility in Chief Justice with an 8 year term.	Recommended increased centralized administrative capacity and gradual development of regional administrative offices.	Proposed Chief Justice as "Chief Executive of judicial system; retention of general superintendence in full court; designation of regional administrative judges and appointment state court administrator.
Unified Personnel System for Courts	Strongly recommended	Implicit in recommendations with respect to finances and management.	Implicit in recommendations with respect to finances and management.	Strongly recommended	Strongly recommended
Use of Electronic Data Processing techniques in court management	Recommended			Recommended	Recommended
Expansion of public information & education programs	Recommended			Recommended	Recommended
Court Unification	Discussed the subject generally at length and drew attention to the pragmatic considerations involved.	Did not recommend unification in the sense of one trial court. Has since opposed unification of the Superior Probate, Land & Housing courts but has recommended unification of District, Municipal & Juvenile Courts.	Recommended unification of all trial courts into one unified court.	Did not address court unification as such but did recommend regional administration.	Recommended unification of trial courts in two tier system: a. Superior, Land, Probate & Housing Courts; b. District, Municipal & Juvenile Courts.

RECOMMENDATIONS OF CURRENT COURT EXPERTS

	Chief Justice Tauro	Judicial Council	Massachusetts Bar Association	National Center for State Courts	Select Committee on Judicial Needs
Court Finances	Favored gradual assumption of court costs.	State assumption of court costs seen as a prerequisite to unification. Has since recommended state assumption.	Recommended state assumption of court costs.	Urged consideration of state assumption of court costs.	Recommended gradual state assumption of court costs.
Jurisdictional Organization	Suggested transfer of civil and criminal trials <i>de novo</i> to District Courts and decriminalization of minor traffic offenses.	Criticized trial <i>de novo</i> system in criminal cases.	Recommended abolition of trial <i>de novo</i> .	Recommended abolition of jury trials in minor motor vehicle cases and in some criminal and civil cases.	Recommended: <ul style="list-style-type: none"> a. Decriminalization of minor motor vehicle offenses; b. Transfer of trials <i>de novo</i> to District Courts; c. Transfer of non-support cases to civil side of District Courts; d. Judicial review of zoning appeals in District courts; and e. Granting limited jurisdiction over consumer protection cases to District Courts.

COURTHOUSE FACILITIES

Construction, Expansion and Renovation of Massachusetts Courthouses July 1, 1975 - June 30, 1976

Barnstable County

With the completion of their comprehensive building program for Superior and District court buildings, the County Commissioners report that the county has not engaged in any further construction projects during the period from July 1, 1975 to June 30, 1976.

Berkshire County

Last year it was reported that the County intended to remodel the Berkshire Athenaeum (the Pittsfield Public Library) for use by the Berkshire Probate Court and some other county agency. Since that time the County Commissioners have appointed a Berkshire Athenaeum Rehabilitation Committee to study the matter. However, the project has been delayed because the trustees of the Athenaeum have not yet conveyed the property to the City of Pittsfield. In part, this delay rests with the necessity of obtaining court authorization since there are Athenaeum trust funds involved. The conveyance is a necessary step before the building can be turned over to the county for rehabilitation; but it is uncertain when the legal problems will be resolved.

The County Commissioners have appointed a Court Consolidation Committee to formulate recommendations for the consolidation of the six district courts in Berkshire County or for alternatives that would result in an increased efficiency of the operation of the six courts. They have also appointed a Criminal Justice Planning Committee to review earlier reports and make recommendations for the improvement of criminal justice in the county.

Bristol County

Despite the endorsement of the Judicial Conference, a bill for construction of a new centralized courthouse in Bristol County (H. 2872 of 1975) failed of enactment in the Legislature. Therefore, the severe problems, created by the lack of adequate courthouse facilities for the Superior and Probate Courts in Fall River, New Bedford and Taunton, remain unresolved; and the people of Bristol County continue to be denied ready access to the judicial forums to which they are constitutionally entitled. This situation is no doubt the worst in the Massachusetts court system.

The County Commissioners have taken by eminent domain, land adjacent to the Second District Courthouse in Fall River for the expansion and renovation of that courthouse as authorized by St. 1972, c. 683 as amended by St. 1973, c. 291, and St. 1974, c. 273. Schematic plans have been prepared by the architect and are in the process of being reviewed by the Bureau of Building Construction and others who are involved in the project.

By renovation and remodeling of existing facilities, an additional courtroom has been provided for the First District Courthouse in Taunton and a new juvenile courtroom for the Fourth District Courthouse in Attleboro.

The Bristol County Juvenile Court continues to operate in District Court facilities in New Bedford, Fall River, Taunton and Attleboro.

Dukes County

A number of improvements have been made in the Edgartown Courthouse including the installation of emergency lighting throughout the courthouse, the painting of several offices, and the clearing of courthouse grounds to provide parking spaces. It is anticipated that additional work, including the provision of a ramp for handicapped persons, will be completed during fiscal year 1977.

Essex County

Upon completion of the \$400,000 exterior renovations to the Salem Superior and Probate Court buildings, work began on the \$4,700,000 interior renovation and addition to these buildings. Approximately \$2 million will be spent on a four-story addition to the Probate Court building. Two of the new floors will be used for county administration and the remaining two floors will be divided between the Registry of Deeds and expansion space for the office of the Register of Probate. An additional probate courtroom and hearing room will be provided.

Most of the remaining \$2.7 million will be spent on internal renovations of the Superior Court building. These renovations will provide badly needed additional courtrooms and expansion space.

The addition to the Probate building will be done first and should be completed within approximately 1 1/2 years. The remainder of the project should then be completed within another 1 1/2 years. The estimated time for concluding the total project is June, 1979.

While this renovation project is underway, the \$2.5 million new First District Court building in Salem should be finished during 1977.

Three and a half million dollars has been appropriated for construction of a new District Courthouse in Peabody. Planning is now in the final phase and all demolition work has been completed. The estimated time for completion of this project is March, 1978.

As noted earlier, the Newburyport Superior Courthouse was severely damaged by a bomb blast in July, 1976.

Franklin County

Parking facilities at the courthouse in Greenfield were increased through mutual agreement with the adjacent YMCA. The law library was repainted and the County Commissioners are in the process of providing storm windows for the courthouse. The windows, more of which will be provided next year, will effect a substantial fuel savings as well as adding to the comfort of court employees and the public. Also, a new central photocopying service was installed in the fall of 1975.

New document files were purchased for storage of case files in order to accommodate the flat filing system and plans have been made for a new amplification system to be installed next year in the Superior Court courtroom. The County Commissioners also expect next year to expend funds for the installation of a new steam boiler and fire extinguishers throughout the building.

Hampden County

Because of continuing problems, it is now anticipated that phase one of the construction of the new courthouse (Hall of Justice) in Springfield will not be completed until the autumn of 1976. There have been a number of construction delays due to disputes between the contractor and the architect. Although at one point it became necessary for the Bureau of Building Construction to declare the contractor in default and to call upon the insurance company to complete the building pursuant to its bond, these disputes now appear to have been resolved.

Upon completion of the new courthouse, renovation work will commence on the present Superior Court building to provide facilities for the Hampden County Housing Court and the Springfield Juvenile Court. The County Commissioners are authorized to borrow \$2,500,000 for this purpose. While the renovation is being completed the housing and juvenile courts will occupy the old District Court building which will become available shortly after completion of the new Hall of Justice.

The County Commissioners have begun preliminary work on the construction of a new District Courthouse in Holyoke.

Hampshire County

Renovations pursuant to St. 1972, c. 454 have been proceeding for several years. Phase one of the project was completed in January 1975 with completion of the new Hampshire County Hall of Records in Northampton containing the Registry of Deeds, the Registry of Probate and the Probate Court. Phase two, the renovation of the former Hall of Records and the construction of a three-story addition, was completed in stages. First, the addition was completed in March of 1975 and several departments were reassigned. In September of 1975, the law library and three county offices were temporarily moved into the former Hall of Records; and on November 18, 1975, the renovations of the former Hall of Records were completed. As a result, the offices for Superior Court Probation, the Superior Court Clerk, a Superior Courtroom, the Sheriff and a number of conference rooms were occupied. Also, the new jury room and a District Court courtroom became usable.

Phase three renovations were substantially completed by June of 1976. The law library and the county offices were moved back to their permanent locations in the Old Courthouse and a number of courtrooms for the District Court became available. At the conclusion of the project there will be two Superior Courtrooms, three District Courtrooms (one for six person juries), one Probate Courtroom and one juvenile courtroom.

Middlesex County

The County Commissioners report no renovation or construction activities during fiscal year 1976. Although there is no authorization for any future court facilities work, efforts were initiated to obtain funds for the renovation of the presently closed old Cambridge District Courthouse for use in conjunction with the trial of Suffolk County civil cases transferred to Middlesex County for trial under the authority of Chapter 303 of the Acts of 1976.

Although no arrangement mutually satisfactory to Middlesex and Suffolk County has yet been reached, two courtrooms in the Middlesex County Courthouse in Cambridge have been made available for the trial of non-jury trials transferred from Suffolk County.

Nantucket County

The Board of Selectmen has no plans for any changes in the existing courthouse which was built in 1965 and is reported to be in good condition.

Norfolk County

The preliminary design phase for a new Superior and Probate Courthouse has been completed, offering a long-awaited solution to the overcrowded conditions in the Dedham Courthouse Complex. It is estimated that the proposed four story 175,000 square foot structure will cost \$14.8 million when completely equipped, with an additional \$4.2 million required to satisfy parking needs for all county buildings in the area.

House Bill Number 3554 authorizing the expenditure of up to \$19 million for constructing a new courthouse and House Bill Number 2987 permitting land taking in the amount of \$300,000 for parking purposes are before the 1976 session of the Legislature. After public hearings in March of 1976 by the Joint Committee on Counties, the bills were held for comment from local legislators and the County Advisory Board. The latter objected to the costs involved and recommended that other alternatives should be explored. Therefore, the County Commissioners have requested that the courthouse bill be held in committee until the Advisory Board submits its report.

Renovations are progressing on the recently acquired two-story building across from the District Courthouse in Dedham. When completed in the Spring of 1977, it will be used for the County Treasurer and the District Attorney's offices. A portion of the space vacated in the Superior Courthouse will serve as a small courtroom with a judge's lobby.

A new courtroom and judge's lobby was completed in the Probate Court on the second floor of the Registry of Deeds Building. This permits an additional Court session to be held but ancillary space continues to be inadequate.

House Bill Number 2988 is before the 1976 Legislative session to authorize expenditure of \$900,000 for an addition to the District Court in Dedham. This project may become unnecessary if favorable action is taken on the proposed new Superior Court building which would free space for district court use.

Minor renovations were made to the Quincy District Courthouse to improve the District Attorney's offices. Also a contract has been awarded for increasing library capacity by adding bookshelves for approximately 1200 volumes at a cost of \$4,000.

A contract was awarded at the end of fiscal year 1976, to be completed within 60 days, for renovations to the Stoughton District Courthouse. The \$15,000 project will relocate the clerk's offices to a lower level where storage areas will be remodeled into offices. The probation department, which urgently requires more room, will occupy the area vacated by the clerk's offices.

Plymouth County

The new addition to the Second District Court at Hingham was formally opened on June 14, 1976. The modern facility, which is approximately seven times larger than the old courthouse, provides two excellent courtrooms, enlarged quarters for the District Court Clerk and badly needed office space. Jury sessions can be accommodated. The old courthouse will be used

primarily by the Probation Department with its two courtrooms reserved for extra court sessions. The new court complex now has approximately 75 parking spaces but needs almost double that amount.

Because of past incidents including a firebombing of the old courthouse, the judges and staff of the court have instituted security measures which should set an example for courthouses throughout the state.

Construction is continuing on the new Wareham District courthouse which should be completed by the latter half of 1977. The facility has been planned to accommodate an increase of business from projected growth in the area.

The County Commissioners have applied, through the Plymouth County budget, for a study of the facilities of the Third District Court at Plymouth. The purpose of the study would be to determine methods of improving the overcrowded complex. If the Legislature acts favorably on this budget item, the study will begin immediately and is expected to conclude within twelve weeks. This timetable permits the filing of appropriate legislation for 1977.

Suffolk County

On April 22, 1976, a bomb exploded on the second floor of the New Courthouse in the area occupied by the Office of the Commissioner of Probation. Twenty-two persons were injured and severe damage was done to the building. As a result of the bombing, stringent security measures were instituted at the Suffolk County Courthouse including the issuance of photo-identity cards to all courthouse employees and inspection of all persons and packages entering the courthouse. One hundred nine thousand and seven hundred dollars has been spent for bomb damage repairs.

In March of 1976, a letter from the Mayor of the City of Boston to the Governor raised hopes that the overcrowded space situation in the Suffolk County Courthouse might eventually be improved. The Mayor renewed an offer to relocate the Boston Municipal Court, the Boston Juvenile Court and possibly the Boston Housing Court to another building in exchange for state assumption of the ownership of the Courthouse with the city contributing a proportionate share of the yearly costs of operation and maintenance. The Governor's office is now studying the matter.

As part of this study, the Governor's legal office has reviewed the recommendations of the federally-funded study by Space Management Consultants, Inc., of the Suffolk County Courthouse which has been described in previous annual reports. The last phase of the federally-funded study was completed in the fall of 1975. It included revised diagrammatic drawings and schematic plans of all floors in the Suffolk County Courthouse including alternative drawings for floors affected by the City of Boston's proposal to relocate the city courts (Juvenile, Housing and Boston Municipal courts) to a new site. A model based upon the schematic plans was supplied for the purpose of displaying and illustrating the proposed renovation program.

Also related to the offer are House Bill 1926, providing for state assumption of the Suffolk County Courthouse, and House Bill 327, providing for a change in the payment of costs of the Suffolk County Courthouse. The latter bill could be used as a vehicle to embody any compromise reached relative to the Mayor's offer. Unfortunately, neither bill received favorable legislative action in 1976.

Negotiations have been underway among the courts in Suffolk and Middlesex Counties for use of Cambridge court facilities, including the former district court building in East Cambridge for Suffolk sessions. The transfer of such sessions is authorized by St. 1976, c. 303 which provides for certification of District Court judges to sit in the Superior Court. The provision in the bill permitting Suffolk County cases to be tried in Middlesex courthouses was inserted because of an insufficient number of Superior Court courtrooms in the Suffolk County Courthouse.

Corrective work on the exterior brick and masonry of the Suffolk County Courthouse was completed in the late spring of 1976 at a cost of \$483,540. Work was also completed, at approximately the same time, to provide expansion space for the Boston Juvenile Court in space formerly occupied by Registry of Probate records. Many of these records were moved to the State Records Center in North Grafton.

Thirty-two thousand one hundred dollars was spent for improvements to the South Boston District Court. These included alterations to the courtroom, library and judge's lobby.

Worcester County

Construction of the new courthouse for the First District Court of Northern Worcester in Gardner is expected to be completed in August of 1976.

The County Commissioners are negotiating for the purchase of the former Post Office Building for a District Courthouse in Fitchburg.

SUMMARY
NATIONAL CENTER FOR STATE COURTS
STUDY OF COURTHOUSE FACILITIES

At the request of the Supreme Judicial Court, the Northeastern Regional Office of the National Center for State Courts conducted a comprehensive study of all court facilities in Massachusetts (Nineteenth Annual Report, pp. 8-9). From June, 1974 until January, 1975, a team of architectural students from M.I.T. under the direction of the National Center staff visited and analyzed the conditions of 97 court facilities and then produced individual reports on each courthouse examined. The individual reports were delivered to each appropriate justice and have been useful as documentation for budget requests, allocation of space, renovation, the implementation of recording devices, structural repairs, the installation of fire detection systems and for other improvements.

A single volume summarizing the findings of the individual reports was delivered to the Supreme Judicial Court in September of 1975. This report noted among other things the following:

1. Seventeen of the 97 facilities examined were given overall ratings of "poor" - 47% of the state's population relies on such "poor" facilities for the dispensation of justice. A summary chart appears on p. 27 and p. 28.
2. Serious structural deficiencies are not limited to individual courthouses within a given county but seem to extend to all its court facilities. For example, all of the court facilities in Barnstable received overall ratings of "good" while only one of the eight facilities examined in Suffolk County received a similar rating.
3. There is no overall planning of what courthouse is most needed where. Priorities used in the construction of new facilities are dictated by chance and local community action, rather than by strict evaluation of the serviceability of existing facilities and the most pressing need for additional facilities. Thus the most clearly recognized need for so many years (Bristol County) continues ignored while other counties widen the gap between "rich and poor".
4. Court facilities are generally maintained by counties although others are maintained by cities, private citizens or corporations. Each of these groups or individuals has different concepts of proper maintenance and is limited in maintenance efforts by substantially different funding sources.
5. Design and maintenance standards, when they exist at all, vary considerably from county to county. Vital replacement and maintenance decisions have been made by a variety of individual county commissioners, city building department officials and private landlords. Absence of a consistent administrative policy has resulted in courthouses which vary in age and quality and which have serious fire protection, space, acoustics, lighting and storage problems. Because new courthouses are constructed on an individual isolated basis, design errors in new facilities (such as the 1973 construction of a new District Court in Gloucester without jury facilities) have occurred.
6. Of the total 97 facilities, 25 courts occupy less than 50% of their total building space. Only 35 facilities are used exclusively for court related activities. A majority (62) of the courthouses provides space for functions unrelated to the administration of justice. Nineteen facilities are shared with local law enforcement personnel: a condition which implies a direct public association between the courts and various law enforcement agencies.

7. There is no coordinated effort at building security or security planning in our courthouses.

All is not gloom, however. Well constructed and planned courthouses are identified in the Report as models to be visited and studied by all other court officials involved in courthouse construction or renovation. See chart on following page.

Some of the more general recommendations made by the National Center were:

1. The courts should adopt maintenance standards which should contain at a minimum a definition of "suitable facilities". Judges and other court officials should be involved in the application of these standards to their respective facilities.
2. A long-range timetable for replacement or renovation of existing facilities based upon a comparative analyses of all existing facilities should be initiated.
3. A uniform accounting method for making comparisons of operation expenses of facilities should be used.
4. The courts should have control of designating the use of courthouse space on at least the space devoted to court use. The simultaneous use of court buildings by courts and their private agencies should be avoided.
5. Statutes should be amended to permit micro-filming or other space-conserving means of preserving records and documents which are no longer of immediate need to the courts or litigants.
6. Finally, the report suggests the formation of an advisory committee composed of judges, professional architects and other officials concerned with court facilities. The committee should recommend to the Supreme Judicial Court appropriate steps for improvement. Failing compliance with approved recommendations the Supreme Judicial Court should be authorized to impose sanctions which will assure dignified, usable, safe and otherwise appropriate court facilities for all.

	Condition	Poor Layout	Poor Lighting	Poor Plumbing	Poor Electric System	Poor Finish Materials	Poor Acoustics	Leakage Water Damage	Space Shortage	Fire Hazard	Poor Heating System	Little Parking	Poor Facility	Poor Air Conditioning	Poor Structural Condition
Adams	Fair														
Amesbury	Fair														
Athol	Fair														
Attleboro	Fair														
Ayer	Fair														
Barnstable (S)	Good														
Barnstable (P)	Good														
Barnstable (D)	Good														
Brighton	Poor														
Brockton (S,P)	Fair														
Brockton (D)	Good														
Brookline	Good														
Cambridge (S,D)	Good														
Cambridge (P)	Fair														
Charlestown	Fair														
Chelsea	Poor														
Chicopee	Fair														
Clinton	Good														
Concord	Good														
Dedham (S)	Fair														
Dedham (P)	Fair														
Dedham (D)	Fair														
Dorchester	Poor														
Dudley	Good														
East Boston	Fair														
East Brookfield	Good														
Edgartown (S,P,D)	Poor														
Fall River (S,P)	Poor														
Fall River (D,J)	Fair														
Fitchburg (S,P)	Poor														
Fitchburg (D)	Poor														
Framingham	Fair														
Gardner	Good														
Gloucester	Good														
Great Barrington	Fair														
Greenfield (S,P,D)	Fair														
Haverhill (P,D)	Fair														
Hingham	Fair														
Holyoke	Poor														
Ipswich	Poor														
Lawrence (S,P)	Fair														
Lawrence (D)	Fair														
Lee	Good														
Leominster	Fair														
Lowell (S,P)	Fair														
Lowell (D)	Good														
Lynn	Good														
Malden	Good														
Marlborough	Good														
Milford	Good														
Middleboro	Poor														
Nantucket (S,P,D)	Good														
Natick	Fair														
New Bedford (S,P)	Fair														
New Bedford (D,J)	Poor														

	Condition	Poor Layout	Poor Lighting	Poor Plumbing	Poor Electrical System	Poor Finish Materials	Poor Acoustics	Leakage Water Damage	Space Shortage	Fire Hazard	Poor Heating System	Little Parking	Poor Facilities	Poor Air Conditioning	Poor Structural Condition
Newburyport (S,P)	Fair														
Newburyport (D)	Fair														
Newton	Fair														
North Adams	Good														
Northampton (S,D)	*														
Northampton (P)	*														
Orange	Good														
Orleans	Good														
Palmer	Good														
Peabody	Fair														
Pittsfield (S,P)	Good														
Pittsfield (D)	Good														
Plymouth (S,D)	Poor														
Plymouth (P)	Fair														
Quincy	Good														
Roxbury	Good														
Salem (S)	Poor														
Salem (P)	Poor														
Salem (D)	Fair														
Somerville	Good														
South Boston	Fair														
South Hadley	Fair														
Springfield (S,P)	*														
Springfield (D)	*														
Springfield (J)	Good														
Stoughton	Good														
Taunton (S,J)	Poor														
Taunton (P)	Fair														
Taunton (D)	Fair														
Uxbridge	Good														
Waltham	Good														
Ware	Good														
Wareham	Good														
Westborough	Good														
Westfield	Fair														
West Roxbury	Fair														
Williamstown	Poor														
Winchendon	Poor														
Woburn	Good														
Worcester-new	Good														
-old	Fair														
Worcester (J)	Good														
Wrentham	Good														

TABLE 1: RATINGS OF OVERALL CONDITIONS IN COURT FACILITIES; CRITICAL PROBLEM CONDITIONS.

In using Table I, it is vital to recall that these ratings are accurate in a comparative sense only, and reflect the opinions of the research teams as to the relative importance of the various problem conditions. Furthermore, these ratings do not completely summarize the more comprehensive and equally vital information found in the remainder of this report and in the individual facility reports.

COURTHOUSE SECURITY

From time to time and particularly during periods of social disruption, attention has focused on the need to protect courthouses from physical damage. This concern is, by no means, a subject exclusive to Massachusetts.

Shortly after the American Revolution, during Shays' Rebellion, mobs attacked, seized or sacked Massachusetts courthouses. In 1854, troops had to be deployed to protect the Suffolk County Courthouse in disorders arising out of the abolitionist movement. In 1920, an anarchist planted an explosive device in the Suffolk County Courthouse which killed or injured several people. During the celebrated Sacco-Vanzetti trial, the National Guard was mobilized to protect the Norfolk County Courthouse in Dedham. More recently, disruptive tactics became a feature of some trials requiring strict precautionary measures, as did explicit or implied threats to the safety of judges and witnesses in some criminal prosecutions.

During the past year, events took a more ominous turn with the bombings of the Suffolk County Courthouse (April 22, 1976) the Superior Court in Lowell (June 21, 1976) and the venerable Bulfinch Courthouse in Newburyport (July 2, 1976). Thankfully, no lives were lost in these incidents but they did result in severe personal injuries and extensive property damage.

Our courthouses are public buildings devoted to the transaction of public affairs. For these reasons, access to them should be free and unimpeded. Yet, at the same time, the courts owe a duty to persons resorting to them to protect them from foreseeable and preventable injury. This dilemma is complicated by the absence in many older Massachusetts courthouses of architectural attention to present security needs. Some buildings lack even rudimentary facilities for the transportation and custody of criminal defendants during a period of spiralling criminal caseloads.

In addition, immediate responsibility for courthouse security has been a matter of much discussion within the courts. Depending upon the circumstances, this responsibility is variously laid, in whole or in part, to judges, sheriffs, county commissioners, court officers, police departments and others. Indeed, they all do share some responsibility, often overlapping in this respect. Some argue that the responsibility rests ultimately within the general superintendence powers of the Supreme Judicial Court. As a matter of law, this may be accurate, but, as a practical matter, courthouse security should be addressed at a more immediate level albeit subject to the general superintendence powers of the Supreme Judicial Court.

The Supreme Judicial Court and its limited administrative staff is in no position to carry out a security plan for every courthouse in the Commonwealth. It is, however, in a position to assist in the coordination of such activities by those more immediately responsible.

Chief Justice Hennessey, in meetings with appropriate judicial officers and with assistance from the State Police, has proposed regional planning for courthouse security involving judges and other court personnel sharing, in varying degrees under present statutes, responsibility for this subject. This would appear to be the most logical approach and this office stands ready to render any reasonable technical assistance.

In the meantime, the responsibility rests with the judiciary and supporting personnel of the various courts to cooperate in the prompt development of a feasible security plan for every courthouse balancing the needs for public access and protection and, in the public interest, ignoring, as need be, jurisdictional disputes.

If such voluntary and cooperative efforts should fail with the attendant risks to life and property, the Supreme Judicial Court should then consider taking more direct action to establish courthouse security programs for all courthouses in the Commonwealth.

THE MASSACHUSETTS JUDICIARY

During 1975-1976, substantial changes occurred in the composition of the Massachusetts judiciary. The two major contributing factors in this situation were the continuing effects of the 1972 constitutional amendment requiring all Massachusetts judges to retire upon attaining age seventy and more recently enacted statutory provisions permitting part-time special justices to elect to serve on a full-time basis. See G.L.c. 218, § 6A inserted by St. 1975, c. 182.

Although this latter act has the beneficial effect of eliminating by July 1, 1979 the part-time service of special justices permitted to maintain the limited practice of law, it does present some difficulties.

Vacancies in judicial offices created by the death, retirement or resignation of special justices, whether serving on a full-time or part-time basis, may no longer be filled. Thus, in effect, this legislation provides for the steady diminution of the bench at a time when efforts are being made to secure the more flexible use of all available judges to meet the legitimate needs of the several courts. For this reason, those provisions requiring the evaporation of special judgeships ought to be seriously reconsidered by the Legislature.

In this respect, attention is directed to Opinion of the Justices, 1976 Adv. Sh. 1898 (July 28, 1976) in which, in response to questions submitted by the Governor, the Supreme Judicial Court advised him that special justices electing to serve on a full-time basis are eligible to occupy the position of justice or, in a multi-judge court, first justice of a District Court with the attendant administrative powers and responsibilities.

The changes in the composition of the Massachusetts judiciary between July 1, 1975 and June 30 1976 are as follows:

Supreme Judicial Court

Chief Justice G. Joseph Tauro, retired as of January 10, 1976
Associate Justice Edward F. Hennessey, appointed Chief Justice as of January 14, 1976
Paul J. Liacos, appointed Associate Justice as of April 14, 1976

Appeals Court

Associate Justice David A. Rose, retired as of March 20, 1976

Superior Court

Associate Justice John F. Coddair, Jr., retired as of August 28, 1975
Associate Justice Cornelius J. Moynihan, retired as of October 2, 1975
A. David Mazzone, appointed Associate Justice as of December 31, 1975
Hon. John M. Greaney, appointed Associate Justice as of January 14, 1976
Francis P. O'Connor, appointed Associate Justice as of January 14, 1976
Associate Justice Paul A. Tamburello, retired as of February 5, 1976
Associate Justice Robert Sullivan, died on June 20, 1976
Associate Justice Paul K. Connolly, retired on June 28, 1976

Probate Courts

Judge Elizabeth J. Dolan, appointed to the Middlesex County Probate Court on December 10 1976
Judge George Jacobs, appointed to the Bristol County Probate Court on December 10, 1976

Housing Courts

Justice John M. Greaney of the Hampden County Housing Court, resigned as of January 14, 1976 by virtue of appointment to the Superior Court.

Edward C. Peck, appointed Justice of the Hampden County Housing Court as of May 26, 1976

During the period July 1, 1975 - June 30, 1976, the following special justices elected to serve on a full-time basis:

Effective March 1, 1976

Abraham Ankeles - Essex County - District Court of Peabody
Monte G. Basbas - Middlesex County - District Court of Newton
Chris Byron - Bristol County - 3rd District Court of Bristol at New Bedford
Dennis L. Collari - Plymouth - 3rd District Court of Plymouth at Plymouth
Henry P. Crowley - Norfolk County - Municipal Court of Brookline
James W. Dolan - Suffolk County - Municipal Court of Dorchester
John C. Geenty - Worcester - 1st District Court of South Worcester at Dudley
Francis H. George - Worcester - District Court of West Worcester at East Brookfield
Louis J. Gonnella - Middlesex County - 4th District Court of East Middlesex at Woburn
John C. Ligotti - Middlesex County - 1st District Court of East Middlesex at Malden
Albert E. Maykel - Worcester County - Central District Court of Worcester
James J. Mullen - Suffolk - Municipal Court of Charlestown
Joseph R. Nolan - Suffolk - Municipal Court of Brighton
Augustine D. Riley - Essex - Central District Court of North Essex at Haverhill
Maurice H. Richardson - Norfolk - Central District Court of North Norfolk at Dedham

Effective April 1, 1976

Louis A. Cyr - Essex County - 2nd District Court of Essex at Amesbury
Anthony DiCicco, Jr. - Middlesex County - 1st District Court of South Middlesex at Framingham
James J. Nixon - Middlesex County - 3rd District Court of East Middlesex - Cambridge
Harry D. Penan - Worcester County - District Court of Winchendon
Arthur Williams - Middlesex County - 1st District Court of North Middlesex at Ayer

Effective May 1, 1976

Thomas J. Carroll - Worcester County - 1st District Court of North Worcester at Gardner
Margaret C. Scott - Suffolk - Municipal Court of Dorchester
Albert S. Silverman - Berkshire - 4th District Court of Berkshire at Adams

Effective June 1, 1976

Benjamin Apkin - Berkshire - District Court of North Berkshire at North Adams
William J. Luby - Worcester - Central District Court of Worcester
John St. Cyr - Norfolk - District Court of West Norfolk at Wrentham

During the same period, retired Justices Joseph K. Collins, Cornelius J. Moynihan, George P. Ponte, Amedeo V. Sgarzi and Paul A. Tamburello of the Superior Court served on a "recalled" basis under the authority of G.L.c. 32, § 65E. Jeremiah J. Sullivan also served on a "recalled" basis in the Probate Court (Middlesex County).

One problem that has accrued in the rapid turn-over in the composition of the Massachusetts judiciary is the slowness with which some predictable vacancies have been filled. Although the quality of the judicial appointments of Governor Dukakis and his immediate predecessors,

Governors Volpe and Sargent, have generally been of high calibre, there is some warranted concern about the delay sometimes encountered in the Judicial Nominating Commission's slowness in recommending nominees for appointment to foreseeable vacancies.

Perhaps, this is a transient phenomenon, but the delay of months in some instances has impeded the ability of some courts to maintain necessary sessions without imposing undue burdens on available judges.

MASSACHUSETTS JUDICIAL CONFERENCE

The membership as of June 30, 1976 was as follows:

Chief Justice Edward F. Hennessey
Justice Paul C. Reardon
Justice Francis J. Quirico
Justice Robert Braucher
Justice Benjamin Kaplan
Justice Herbert P. Wilkins
Justice Paul J. Liacos
Chief Justice Allan M. Hale
Chief Justice Walter H. McLaughlin
Judge William I. Randall
Chief Judge Alfred L. Podolski
Chief Justice Jacob Lewiton
Acting Chief Justice George E. Dewey
Chief Judge Paul G. Garrity
Judge Francis G. Poitras
Justice Jacob J. Spiegel (ret.)
John A. Fiske, Secretary

There were a substantial number of changes in membership during the course of the year beginning July 1, 1975. Upon the retirement of Chief Justice G. Joseph Tauro, Chief Justice Hennessey became Chairman of the Conference and Justice Paul J. Liacos became a member as the newly appointed Justice of the Supreme Judicial Court. With the untimely death of Chief Justice Franklin N. Flaschner, Acting Chief Justice George E. Dewey of the District Court of Marlborough became an interim member of the Conference. Also, at a meeting of February 26, 1976, the Conference voted to expand the membership of the Conference by including the two senior judges of the housing courts and the juvenile courts. This was later officially accomplished by an amendment to S.J.C. Rule 3:16, effective on April 20, 1976.

The Committee structure of the Conference is as follows:

Committee on Court Operations

Justice Paul C. Reardon, Chairman

Committee on Civil Procedure

Justice Francis J. Quirico, Chairman

Committee on Judicial Education

Justice Robert Braucher, Chairman

Committee on Criminal Procedure

Chief Justice Edward F. Hennessey, Chairman

Committee on Legislation

Justice Benjamin Kaplan, Chairman

Committee on Court Facilities

Justice Herbert P. Wilkins, Chairman

At its meeting on February 26, 1976, the Judicial Conference reviewed 18 bills contained in the Report of the Judicial Conference Committee on Legislation. Among the 14 bills endorsed by the Judicial Conference were the following: a bill increasing the fees of the SJC, Appeals Court and Superior Court (S. 677); a bill requiring appeals in district court criminal cases and in juvenile cases to be taken to juries of six in the District Courts (S. 658); a bill providing for use of district court judges and facilities to relieve Superior Court congestion (H. 4393); a bill changing the Office of the Executive Secretary of the Supreme Judicial Court to the Administrative Office of the Massachusetts Courts (S. 654); two bills providing for state assumption of the Supreme Judicial Court, the Appeals Court, the Land Court and the Suffolk County Courthouse (H. 1766; H. 1926); creation of a judicial conduct commission by constitutional amendment (H. 323); two bills providing for preservation of testimony in the District Courts, Boston Municipal Court and the Probate Courts (S. 657; S. 649); and a bill reforming the jury selection process in Suffolk County (S. 655).

Seven bills endorsed by the Judicial Conference in 1975 were enacted during the 1975 Legislative session: amendatory legislation making the technical changes in the General Laws necessary to extend the new rules of civil procedure to the District Courts, Boston Municipal Court (St. 1975, c. 377) and to domestic relations cases in the Probate Courts (St. 1975, c. 400); phase out of special justices of the District Courts and full-time positions for the special judge of the Hampshire County Probate Court and the part-time judge of Dukes County (St. 1975, c. 862); phasing out of part-time district court judges into full-time status (St. 1975, c. 863); recall of retired Superior Court (St. 1975, c. 861) and Probate Court (St. 1975, c. 820) judges.

At the suggestion of Justice Reardon, a committee was created to help ensure that courts receive a sufficient amount of LEAA funds. After discussion of problems related to court personnel matters, Chief Justice Flaschner reported on a plan to increase utilization of judges' time for District Court judges in Berkshire County.

Chief Justice Hennessey reported that the Criminal Rules Project was proceeding on schedule and that the proposed rules will be in final form for presentation to the Supreme Judicial Court by July 30, 1976.

As a result of a resolution of the Judicial Conference, the Supreme Judicial Court and the chief justices of the trial courts agreed to institute a policy previously followed in the Superior Court for matters which a trial justice has had under advisement for a lengthy period of time. The policy, which was published in June, 1976, by the chief justices of the respective trial courts, is as follows:

Any lawyer representing a party in a matter which has been under advisement for more than 90 days in the Superior Court, Probate Courts, Land Court or housing courts, or for more than 45 days in the District Courts, Municipal Court of the City of Boston or the juvenile courts, may, if he wishes, write the circumstances to the following appropriate judicial officers: for the Superior Court, its Chief Justice; for the Probate Courts, their Chief Justice; for the Land Court, its judge; for the District Courts, their Chief Justice; for the Municipal Court of the City of Boston, its Chief Justice; and for all other courts, the single justice of the Supreme Judicial Court or of the Appeals Court. The appropriate judicial officer will then, while strictly preserving the anonymity of the lawyer, bring the matter to the trial judge's attention and will notify the attorney of his having done so.

MASSACHUSETTS RULES OF CIVIL AND APPELLATE PROCEDURE

The "Standing Advisory Committee on the Rules of Civil Procedure" was established by the Supreme Judicial Court in 1974 to consider problems caused by the introduction of the new rules of civil procedure. The Committee, which in June, 1976, completed its second full year, has the following membership:

Justice Cornelius J. Moynihan, Superior Court, Chairman
Justice James P. Lynch, Jr., Superior Court
Justice John J. McNaught, Superior Court
Chief Judge Alfred L. Podolski, Probate Courts
Justice Alvin C. Tamkin, District Courts
William H. Corey, Esquire
John J. Curtin, Esquire
Jerome P. Facher, Esquire
Frederick S. Pillsbury, Esquire
Berge C. Tashfian, Esquire
John P. Concannon, Clerk of Courts, Norfolk County
Professor James W. Smith, Reporter
Professor Hiller B. Zobel, Reporter
Robert S. Bloom, Esquire, Secretary

The Committee held eight meetings between September 19, 1975 and June 7, 1976. In the absence of Justice Moynihan from January to June 1976, Justice Lynch presided as acting chairman. During its second year of meetings the Committee considered a substantial number of complaints, problems and proposed amendments to the Rules of Civil Procedure and recommended five amendments to the Supreme Judicial Court which were promulgated by the Court. Among these were amendments to Mass. R. Av. P. 4(c), 4(d) (3), 5(g) 33(a) [new rule on interrogatories] and Mass. R.A.P. 18(d). It has been the policy of the Supreme Judicial Court to make such amendments effective, except in unusual circumstances, on January first or July first of each year.

During the course of the year, the Committee spent a substantial amount of time drafting a rule on probate accounts. In so doing, the Committee worked closely with bar association committees and lawyers specializing in this field. A proposed rule was published in *Lawyers Weekly* in June of 1976 and comments will be reviewed in September.

During the year, the Committee received reports that the District/Municipal Courts and Domestic Relations Rules of Civil Procedure, both effective on July 1, 1975, were working extremely well.

PROPOSED RULES OF CRIMINAL PROCEDURE

The proposed Rules of Criminal Procedure for the District and Superior Courts were submitted to the Supreme Judicial Court by July 30, 1976 for review and possible promulgation. The ambitious project was initiated by the Massachusetts Judicial Conference in September of 1971. Funding was obtained through the Committee on Criminal Justice and the Criminal Rules Project began operations in November of 1972.

An Advisory Committee of more than 70 members, including prominent representatives of all phases of the criminal justice system, was appointed and an Executive Committee was selected to oversee the progress of the work. The Executive Committee, which was vested with full responsibility for the final project, consists of the following members:

Justice Thomas E. Dwyer, Superior Court, Chairman
Justice Ruth I. Abrams, Superior Court
Justice Herbert F. Travers, Jr., Superior Court
Justice Francis P. Cullan, District Courts
John J. Ervin, Esquire
William P. Homans, Jr., Esquire
Edgar J. Bellefontaine, Esquire, Reporter
Philip X. Murray, Esquire, Secretary

Chief Justice Edward F. Hennessey, as Chairman of the Judicial Conference Committee on Criminal Procedure, acted as liaison between the Executive Committee and the Judicial Conference.

Various drafts of the proposed rules have been reviewed and commented upon by the judiciary, the Massachusetts and Boston Bar Associations, the District Attorneys Association, the Massachusetts Defenders Committee, the clerks of the Superior Court and by numerous individuals and ad hoc committees.

Although existing Massachusetts practice provided the foundation of the Rules, their substance has in many instances followed the most successful of the Federal Rules of Criminal Procedure, the American Law Institute's Code of Prearrestment Procedure and the Model Penal Code, the National Conference of Commissioners on Uniform Laws' Uniform Rules of Criminal Procedure, the reports of the National Advisory Commission on Criminal Justice Standards and Goals and the President's Commission on Law Enforcement and Administration of Justice Task Force and other reports.

Legislative Action in Calendar 1976

For the 1976 legislative session the following bills represent the major products which affected the Massachusetts courts. Discussion of the Legislative Committee of the Judicial Conference and its staff is found at p.

Chapter 233 Counsel Fees and Expenses in Civil Cases

Courts may award attorney's fees and other costs and expenses in suits adjudged insubstantial, frivolous and not advanced in good faith.

Chapter 262 Further Regulating Appeals from District Courts in Suffolk County in Juvenile Cases to the Boston Juvenile Court.

Provides that, until December 31, 1977, a child adjudged a delinquent child in any district court in Suffolk county, if he desired to appeal, shall appeal to a jury of twelve in the Boston Juvenile Court. A child adjudged as a delinquent child in the Boston Juvenile Court may appeal either to the Boston Juvenile Court or the Superior Court.

Chapter 303 Providing for the use of District Court Judges to relieve Superior Court Congestion

Authorizes the Chief Justice of the Supreme Judicial Court to designate up to 25 district court justices or special justices to serve in the Superior Court. The Chief Justice of the Superior Court is authorized to transfer any civil case or matter entered or pending in the Superior Court for Suffolk County to a session of the Superior Court conducted in the city of Cambridge in Middlesex County.

Chapter 313 Relative to the Salaries of Assistant District Attorneys in the Middle District

Provides that all the assistant district attorneys in the middle district, after the effective date of August 24, 1976, devote their entire time during ordinary business hours and neither directly nor indirectly engage in the practice of law. The salaries of the assistants are set as a percentage of the district attorney's salary.

Chapter 515 Making Certain Changes in the Probate Laws of the Commonwealth

Amends the probate laws to clarify, simplify and make them, where appropriate, more uniform with other jurisdictions.

Chapter 533 Authorizing Work Activities for Juvenile Offenders

Provides that the court may with the consent of the child and at least one of the child's parents or guardians place a child adjudged as a delinquent child on probation. The probation may include a requirement subject to the consent of the child and at least one of the child's parents or guardians, that the child participate in activities of a type and for a period of time deemed appropriate by the court.

Chapter 542 Relative to the Salaries of Assistant District Attorneys

Provides that, no later than January 1, 1979, all assistant district attorneys shall devote their time during ordinary business hours to their duties, shall neither directly nor indirectly engage in the practice of law and shall receive a salary set as a percentage of the district attorney's salary.

MENTAL HEALTH LEGAL ADVISORS COMMITTEE

The Mental Health Legal Advisors Committee has completed its first full year of operations, providing legal services to indigent patients and residents of mental health and retardation facilities, and conducting informational and educational programs in mental disabilities law for judges, lawyers, mental disabilities professionals, patients and families. Through its panel of now almost 200 private volunteer and fee-for-service lawyers to which the Committee has offered special training in relevant issues of law, medicine and social work, the Committee provided representation in about 500 cases. An approximately equal number of persons received informal, advice, counsel and information on mental disabilities law problems through the Committee's staff and volunteers.

The Committee's educational efforts are continuing with the development and updating of manuals, brochures and audio and video tapes, with continuing lawyer training, and through numerous speaking engagements at hospitals, schools, bar associations and citizens' groups. The Committee has assembled a small but quite useful and rather complete library, which it dedicated last spring as the Franklin N. Flaschner Memorial Disabilities Law Library in honor and memory of the late Massachusetts District Courts Chief Justice, who was so helpful and concerned with the Committee's work. The Flaschner Library is housed in the Committee's offices at 73 Tremont Street, Boston. It has relevant interdisciplinary books, periodicals, and audio and video tapes; it is open to the public and frequently used by lawyers and students in many different disciplines.

The Committee's financial problems, however, are extremely severe, and in fact almost acute. In FY 76 its appropriated funds were \$88,000 - the level originally set in FY 75 for start-up and partial year funding. It is estimated that about 20,000 patients and residents a year are statutorily eligible for the Committee's legal services, and three to four times that number eligible for its educational and informational services.

In view of this immense disparity the Committee has had to vote to withdraw almost all funding for commitment and criminal cases, limiting itself almost exclusively to those civil matters for which no other source of funding is available - unless the Committee's appropriation is substantially increased. This decision will be implemented in FY 77 in tandem with the opening of part-time civil legal aid offices at mental health and retardation facilities under the Committee's Field Counsel Program. These offices will function on the average of 10 to 15 hours a week, staffed by Committee lawyers and student lawyer assistants. It is the Committee's hope not just that these offices will provide greater accessibility to legal services, but also that their presence will serve an educational and informational function, dispelling much of the unease and uncertainty among both patients and staff concerning the courts and the law.

It is especially ironic that the Committee has had to withdraw from funding of commitment and criminal work - thereby putting that burden back on the Counties - since the Committee's assumption of this function in 1975 effected a decrease in the cost of providing these services simultaneous with an acknowledgedly dramatic increase in quality of representation. The Committee is hopeful that, perhaps as a result of the Cox Commission's work, the Committee's funding will be sufficiently increased, and the County and property tax burden commensurately decreased, to allow them to reassume this work and to provide the sort of specially trained lawyers and others necessary to assist the Courts in dealing with the very difficult personal and legal problems presented by mental disabilities cases.

MASSACHUSETTS DEFENDERS COMMITTEE

In view of continuing fiscal constraints, MDC established a policy during the past year under which it would give its first priority to the handling of felony cases in district and superior courts. The result of this change were: (1) withdrawal of the handling of misdemeanor cases in several courts; (2) expansion into 20 additional district courts for the handling of felony matters only, and (3) the handling of fewer, but more serious, cases. As part of the same policy, it was necessary for MDC to withdraw from handling juvenile cases, with the exception of Boston Juvenile Court and Bristol Juvenile Court, where a federal grant was received to enable MDC to provide defense services.

MDC also entered into a contract with the Boston Municipal Court during the past year to handle misdemeanor cases.

The total state budget appropriation for MDC in Fiscal 76 was \$2,180,000. In addition, MDC received federal grants from the Committee on Criminal Justice totalling \$843,092, bringing MDC's total budget for FY 76 to \$3,023,092 a decrease of \$78,839 over MDC's FY 75 budget of \$3,101,931.

Non-MDC appointments (private counsel and other defender programs) have increased and will continue to do so because of the unwillingness of the Commonwealth to fund adequate legal staff for MDC. The cost of paying non-MDC appointments are paid from the county budgets and are therefore supported totally by local property taxes. In FY 76, the counties spent \$2,106,575 (3% of the total county court budgets) on non-MDC appointments. While no breakdown of costs per case is presently available from the counties, I am convinced that the approximately \$30. cost per MDC defended district court case is significantly more economical, without a sacrifice in quality of representation.

As shown in the following table, the Massachusetts Defenders Committee witnessed a decrease of 30% in its caseload.

	Number of new cases (individual defendants)	Total Funding Received	Number of full-time lawyers	Annual Average of cases per attorney
1972	39,969	1,162,553	75	533
1973	22,038	1,531,520	92	240
1974	27,179	2,773,266	124	219
1975	28,894	3,101,931	120	241
1976	20,360	3,023,092	113	180

The following chart indicates the distribution of attorneys among the counties in 1976.

County	No. of Attys.	Dist. Ct. Defendants Represented	Sup. Ct. Defendants Represented	Appeals
Barnstable/Dukes	1	*113	33	
Berkshire	3	1,044	35	
Bristol	8	834	301	
Essex	8	946	272	
Franklin/Hampshire	2	372	185	
Hampden	9	1,475	400	
Middlesex	20	1,839	793	
Norfolk	3		295	
Plymouth	5	1,591	107	
Suffolk	38	3,985	1,444	
Worcester	8	*713	148	
Appeals Division	8			336
	<hr/> 113	<hr/> 12,912	<hr/> 4,013	<hr/> 336

BOARD OF BAR EXAMINERS

The Board of Bar Examiners conducted two bar examinations during the period between July 1, 1975 and June 30, 1976: one examination was held on July 30 and 31, 1975, the second examination on February 25 and 26, 1976.

Each of the examinations made use of the Multistate Bar Examination (which consists of 200 questions with multiple choice answers) as one half of a two part examination, the other half being the traditional type examination of 10 questions, each requiring an essay answer. In the July 1975 examination, 1002 (83.0%) of 1207 first time applications passed the examination and 1,038 (76.1%) of a total 1,362 applicants of the examination passed. In the February 1976 examination, 177 (79.7%) of 222 first time applicants passed and 308 (61.9%) of a total 497 applicants passed.

From July 1, 1975 to June 30, 1976, 46 lawyers who had practiced in other jurisdictions were admitted as attorneys in Massachusetts without a written examination.

BOARD OF BAR OVERSEERS

During the second year of existence, the Board of Bar Overseers, pursuant to Rule 4:02 and 4:03 continued to discharge its responsibility both for supervising the registration of all lawyers admitted to the practice of law in the Commonwealth and maintaining adequate records thereof and for carrying out the disciplinary aspects of its responsibilities.

The report of the Board for the first year stated that at year end there were 1,040 complaints on hand and undisposed of. During the year covered by this report an additional 1,252 complaints were filed with this Board so that a total of 2,292 complaints came before the Board for some form of action during the year discussed. During this year, 1,489 complaints were finally disposed of so that the Board had 803 complaints pending before it as the end of the fiscal year, a reduction in backlog of 237.

The Board has finally closed over 2,000 (2,056) matters in its two-year life. More than 95% of these were closed by the Board without formal hearing as being frivolous, being beyond the jurisdiction of the Board, or being based on action clearly not requiring disciplinary proceedings. In less than 5% of the cases disposed of (92 out of 2,056) discipline was imposed or requested by the Board.

The Board, as of the close of the fiscal year on August 31, 1976, divided the cases pending before it as follows:

Acknowledged only	97
Under investigation	113
Complaint sent to the lawyer or lawyer's reply forwarded to complainant	449
Action pending before the Board on the recommendation of Bar Counsel	5
Pending before hearing committees	59
Petition for discipline filed or pending	79
Other	4

Perhaps most significantly, discipline was finally imposed in 64 cases during the year as follows:

Informal admonition	36
Private reprimand	10
Suspended	11
Resigned	6
Disbarred	1

In addition, there were three disbarments in the United States Court of Appeals.

At the year end, 30 disciplinary cases were still pending final hearing before the Supreme Judicial Court and 6 cases were pending in the United States District Court.

VICTIMS OF VIOLENT CRIMES

No. of claims filed	403
No. of hearings	162
No. of denials	28
No. of awards paid	81
Total awards	\$738,727
Average award	\$4,598
Total awards paid	372,467
Files open (No. of awards not paid)	96
Awards not paid	366,260.41

During fiscal year 1976, the state appropriated \$372,500 to pay for awards to Victims of Violent Crimes. Of the total 177 claimants, this amount was sufficient to compensate only 81 claimants. Therefore, 96 claimants were not compensated until FY 1977 or later.

In 1967 under G.L.c. 250A, Massachusetts became the first state to establish a program to reimburse victims of violent crimes for unreimbursed out-of-pocket or unreimbursable expenses or indebtedness incurred for medical care or other necessary services resulting from the injury upon which such claim is based. The program is operated by the Attorney General and the District Courts rather than by an administrative agency.

The effectiveness of this program has been reduced by a continual deficit in appropriations available to compensate claimants. It has been estimated that an annual appropriation of approximately \$900,000 would be needed to avoid the continual backlog of uncompensated claimants.

SUPREME JUDICIAL COURT AND APPEALS COURT

The equitable distribution of appeals between the Supreme Judicial Court and the Appeals Court continues to present problems largely because of the volume of appeals entered. The Hearing List Committee of the Supreme Judicial Court has attempted to apportion the appellate workloads of the two appellate courts fairly and expeditiously.

The desirable distribution appears to be approximately a 60%-40% division between the Appeals Court and the SJC respectively. However, both in terms of appeals docketed and decided, the Supreme Judicial Court has been carrying a somewhat higher proportion of the appellate caseload.

If the courts were to receive fewer appeals, they could perhaps adjust this apportioning of the appellate caseload. With fewer appeals, the dismissal of appeals not diligently prosecuted and the greater use of summary affirmances, where warranted, could allow the Commonwealth's appellate backlog to be reduced in 1977, thereby decreasing the average time lapse between entry and disposition of an appeal.

Both the Supreme Judicial Court and the Appeals Court were required to function with less than a full complement of justices during the latter half of the fiscal year 1976. This fact necessarily interfaced with the efforts of both courts to render timely opinions in pending appeals. The constitution of both courts at full-strength during fiscal year 1977 should contribute much to the expeditious processing of their caseloads.

Chief Justice G. Joseph Tauro retired in early January, 1976 and his successor, Associate Justice Edward F. Hennessey, was appointed Chief Justice shortly thereafter. The vacancy caused by Chief Justice Hennessey's promotion was not filled for three months, however. Justice David Rose of the Appeals Court retired in March, 1976 and at the close of the reporting period covered by this report, June 30, 1976, his successor had not been appointed.

These vacancies, coupled with several unforeseen illnesses, made it difficult for both courts to assign justices to quorums or panels and, at the same time, to single justice sessions.

As shown in the graph on page 43, the number of entries in the Appeals Court during this period decreased from 709 in 1975 to 388 in 1976, a decrease of 45%. The actual number of cases originally entered in the Appeals Court or "gross entries" (not shown here) in 1976 was 819, a decrease of 6% over 1975's total of 875. The difference in these two entry figures 819 and 388, can be attributed to the efforts of the Hearing List Committee of the Supreme Judicial Court and is explained as follows: 155 cases were transferred "sua sponte" to the Supreme Judicial Court, 59 applications for direct appellate review were allowed and 217 cases were dismissed without a decision on the merits, leaving 388 entries in the Appeals Court. The total number of opinions issued by the Appeals Court in 1976 increased from 256 in 1975 to 289 in 1976, an increase of 13%. Of this number, 134 were rescript opinions. The average number of days from entry to decision increased from 251 days in 1975 to 356 days in 1976, an increase of 42%.

The number of entries in the Supreme Judicial Court in 1976 was 351, an increase of 7% over 1975's total of 327. In addition to the 140 cases entered directly in the Supreme Judicial Court, 155 cases were transferred "suo sponte" from the Appeals Court, 59 applications for direct appellate review were allowed, in 12 cases further appellate review was granted, and 15 cases were dismissed without a decision on the merits.

Despite the increased workload, the total number of opinions increased from 268 in 1975 to 297 in 1976, an increase of 11%. Of the total, 42 were rescript opinions. The average number of days from entry to decision decreased from 235 days in 1975 to 230 in 1976.

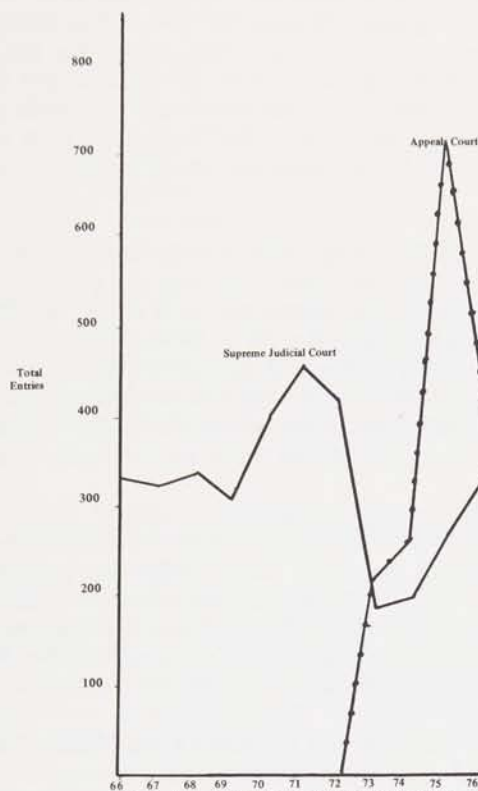


FIG. 3: Supreme Judicial Court and Appeals Court original entries (1966-1976). (Appeals Court was established in fiscal 1973.)

Appeals Court

Cases required to be entered directly in the Appeals Court	819
Applications for district appellate review allowed	59
Cases transferred "suo sponte" to the SJC	155
Cases dismissed without a decision on the merits	217
Net entries in the Appeals Court July 1, 1975-June 30, 1976	388

Supreme Judicial Court

Cases required to be entered directly in the SJC	140
Applications for direct appellate review allowed	59
Applications for further appellate review allowed	12
Cases transferred "suo sponte" from the Appeals Court	155
Cases dismissed without a decision on the merits	15
Net entries in the Supreme Judicial Court July 1, 1975-June 30, 1976	351

SUPERIOR COURT

Inadequacy of Judicial Resources. In Fiscal 1976 the Superior Court had a complement of 45 associate justices and a chief justice, as it has since 1968. The total number of judge days reported by the clerks was 8,851, indicating an average number of sitting days per judge of 192.* (The comparable figure for fiscal 1975 was erroneously calculated at 221 and should have been reported on p. 31 of the Nineteenth Annual Report as 190. The total number of Superior Court judge days reported by the clerks in 1975 was 8,743.) Dividing the number of judge days into the total number of cases entered during fiscal 1976 (68,163) shows that every judge sitting 192 days a year would have to dispose of 7.70 cases every day just to keep the court even with where it was at the start of the year. In fiscal 1976 the Superior Court was unable to keep the pace, and fell further behind by over 3,500 criminal cases involving over 4,000 defendants and by over 2,200 civil cases.

An average sitting of 192 days a year per judge is not extravagant. There are many Superior Court judges who sit more than 200 judge days per year, but the average of the figures reported for Fiscal 1976 was 192. If the average were increased by 4 days, that would almost be the equivalent of one more Superior Court judge ($4 \times 46 = 184$). However calculated, there are not enough judges to cover more than 46 sessions at any given time in the Superior Court, and history shows that the Superior Court will continue to fall further behind unless more resources and more management of those resources are made available to the Superior Court. The productivity of the court will increase only as these two areas are strengthened.

In addition to the continued use of a modest number of retired judges on temporary recall, there are dramatic breakthroughs on both horizons: more resources through certification of up to 25 District Court judges to sit as Superior Court judges on a temporary basis, and the reporting of case dispositions on a monthly basis so the court for the first time has factual information available on a timely basis as to its own progress or slippage. These are, I hope, harbingers of more permanent progress through statutory systems allowing more judges, more flexibility in assigning judges and support staff, and through the Court Case Management System.

Continued development on a manual basis of the Criminal Case Management System in Norfolk County has laid a solid foundation for the introduction of a computer aided system as mentioned earlier in this report. The implementation of this system, its refinement and expansion to other counties and, eventually, its extension to civil case flow management will provide a much more solid basis for the effective deployment of Superior Court cases throughout the Commonwealth.

With the cooperation of the Electronic Data Processing Department of the City of Boston, considerable studies have been made in improving juror management in Suffolk County. The result has been the more effective use of jurors, thereby reducing wasted time and payments to jurors not actually sitting on cases. Enactment of proposed jury management legislation in a major county for development of an even more effective system should result in great efficiency and economy while enhance the cross-section of persons called for jury service.

* This "average" figure does not necessarily indicate the typical work year of a Superior Court judge since it does not make adjustments for vacancies occurring in judgeships during FY 1976.

The Superior Court alone among all Massachusetts courts has succeeded in obtaining a state appropriation for continuing educational programs for judges. The Superior Court's success comes at a time when the funds available to other courts are diminishing because of grant termination and continuation policies of the Committee on Criminal Justice. The availability of such funds to the Superior Court will permit the continuation of educational activities - semi-annual conferences, inter-court meetings, orientation programs for new judges - on such vital areas as new developments in the law (decisional and statutory), considerations in sentencing, development of and familiarization with new court rules and various aspects of court management.

The Superior Court has also continued its internship program in conjunction with Boston College, Boston University, Harvard, Northeastern, and Suffolk Law Schools. This program permits selected senior law students to obtain first hand and in close association with judges a practical knowledge of the practices and procedures of the Superior Court. It is hoped that exposure to civil and criminal litigation from this perspective will encourage more young lawyers to seek careers as trial lawyers. An adequate number of capable trial lawyers is one of the essential components of any attempt to improve caseflow management.

Shortly after the completion of FY 76, the Legislature enacted St. 1976, c. 303, an act authorizing up to 25 District Court judges at a time to be certified for assignment to the Superior Court without the jurisdictional limitations of G.L.c. 212, § 14B. These judges will be utilized in FY1977 consistent with the needs of the Superior Court and the District Courts. Their use will permit a more meaningful analysis of the impact on the Superior Court of an increase in its judicial manpower.

SUPERIOR COURT APPELLATE DIVISION

Disparity in judicially imposed sentences for similar offenses has been a chronic problem in the administration of criminal justice in all courts with obvious effects on the operation of correctional facilities. The establishment of the Appellate Division of the Superior Court with its informal procedures for obtaining review of serious sentences by a three judge panel is a reasonable approach to the resolution of this problem. Undoubtedly, the existence of the opportunity for review by the Appellate Division contributes to consistency in sentencing practices.

The Appellate Division, in 18 days (54 judge days) acted on 298 sentences in FY 1976. Nevertheless, at the conclusion of FY 1976, 289 appeals for review of sentences remained on the hearing list. Prompt action on these appeals would require, on the basis of the 1976 experience, an additional 53 judge days.

Assuming a similar number of appeals in FY 1977, the number of judge days for the Appellate Division should be approximately doubled to keep current with new appeals entered for review of sentences without regard to an additional 323 appeals presently removed from the hearing list at the result of the appellant. Action of this sort, in effect, would require the badly understaffed Superior Court to assign the equivalent of one judge to the review of sentences for one-half a year.

Naturally, judges assigned to this necessary task are not, while so engaged, available for the conduct of trials.

This situation is typical of the practice of imposing duties upon the Superior Court without any commensurate increase in judicial resources.

If the Chief Justice of the Superior Court were to schedule sufficient judge days to eliminate the backlog of the Appellate Division, he would, by the same token, be required to reduce the number of judge days available for the trial of civil and criminal cases. On the other hand, the assignment of all available judges to the trial of cases in the Superior Court would require abrogation of the statutory right for review of sentences.

Unfortunately, "robbing Peter to pay Paul" is a condition imposed on the deployment of Superior Court judges in the absence of a sufficient number of judges.

PROBATE COURTS *

Chief Judge Podolski has distributed the Twelfth Annual Report of the Massachusetts Probate Courts covering the period July 1, 1975 to June 30, 1976. Among the salient points of his report are:

The adoption of the Domestic Relations Rules effective July 1, 1975 which have greatly contributed to standardization of procedure in the Probate Courts;

The revision of standard forms for all fourteen counties and their printing at the Massachusetts Correctional Institution, Walpole, with substantial decreases in costs and unnecessary form duplication (a model procedure which all statewide trial courts should examine and adopt in some manner);

The development of monthly, rather than annual statistical reports on the work of the Probate Courts providing for continuing analysis of the caseloads and needs of the several counties;

A finding that the enactment of "no fault" divorce laws has not yet resulted in any noticeable increase in divorce filings;

The development of a televised program to explain to the public and the bar issues arising out of the adoption of the new Rules of Domestic Relations Procedure;

Cooperation of the Probate Courts with Department of Public Welfare to secure support payments from absent parties and to enforce outstanding court orders in child support cases; and

The collection during fiscal year 1976 of nearly \$5,000,000 in support payments by family service officers of the Probate Courts.

In order to expedite the flow of cases in the Probate Courts, Chief Judge Podolski has submitted to the Administrative Committee of the Probate Courts a proposal for revised trial marking procedures.

According to Chief Judge Podolski, "it is apparent that the only method that will dispose of a larger number of cases without a correspondingly larger number of judges is voluntary settlement."

To bring the parties into informed contact with each other and, thereby, encourage voluntary settlements, the Chief Judge has proposed several changes in the Probate Courts' trial marking procedures.

The proposed Request for Trial Assignment would differ from presently used request forms in that it would require counsel to notify opposing counsel of the requested assignment, certify that necessary reports of family service officers or guardians ad litem have been filed and, in addition, certify the readiness of all parties and that the anticipated trial will not exceed two hours in length.

Contested cases requiring investigation and exceeding two hours would automatically be assigned to a pretrial list under Mass. Rules of Civil Procedure, Rule 16. The notice of a pre-trial conference would include an agenda of specific items to be discussed by the parties in an effort to reach agreement where possible and to narrow the issues to be resolved at trial where not possible.

* The recent excellent account of the Probate Courts in the Fifty-First Annual Report of the Judicial Council is recommended to any reader wishing to pursue this subject.

Of course, in processing requests for trial assignments, some procedures would have to be developed to screen out those cases likely to last more than two hours and, therefore, more appropriately subject instead to the pre-trial procedure. For example, a request for trial assignment for the trial of a case involving numerous witnesses would most likely consume more than two hours and would accordingly be carefully scrutinized. The use of the pre-trial conference and certificates of readiness will not only narrow the issues for trial but also, in the event of an appeal, will help present them more clearly.

Pre-trial settlement conferences may also serve to reduce the complaints filed with this office about Probate Judges, complaints often stemming from misunderstandings about court processes.

Chief Judge Podolski last extended thanks to this office and the Administrative Committee of the Probate Courts, among many others, for their assistance in his activities.

LAND COURT

In the 1976 court year the volume of Land Court business remained basically the same as in 1975. The slight decrease in entireties of title registration cases in the Land Court during the 1975-1976 court year may reflect economic conditions adversely affecting real estate development in the Commonwealth. For example, there is a noticeable decline of such business in Barnstable, Dukes and Nantucket counties largely devoted to retirement and vacation homes, where the building industry has been particularly hurt.

On the other hand, the increase in miscellaneous matters brought before the Land Court -- proceedings pursuant to the Soldiers and Sailors Civil Relief Act and municipal actions to foreclose equities of redemption in order to increase revenues -- may likewise be indicators of the same economic conditions.

Given the generally current status of the Land Courts' dockets, the increase in its miscellaneous business may reflect a tendency to resort to the Land Court in actions where its jurisdiction is concurrent with that of other trial courts.

HOUSING COURTS

Although at the time of their establishment, this office opposed the establishment of specialized Housing Courts and argued for the establishment of special procedures and sessions in existing courts to accommodate sensitive complaints relating to landlord-tenant disputes and code violations, there has been little dispute as to the efficiency and the quality of justice administered by the Boston and Hampden County Housing Courts.

Most current proposals tend toward the assimilation of the Housing Courts into a unified Superior Court. While such proposals are consistent with the position previously advocated by this office, it must be remembered that, since 1972 and 1973, the Housing Courts have been in existence and have performed well. Therefore, any present proposal for their assimilation into either the Superior Court or the District Courts must balance the need for improved court management and organization with the need for continued excellence in the rendering of the judicial services.

On February 2, 1976, the Justices of the Supreme Judicial Court amended SJC Rule 3:16 to provide for the inclusion in the membership of the Judicial Conference the senior judge of the Housing Courts of the Commonwealth. Consequently, Chief Judge Paul Garrity became a member of the Judicial Conference.

On January 14, 1976, Judge John Greaney of the Hampden County Housing Court was appointed an Associate Justice of the Superior Court. (He was succeeded by Edward C. Peck on August 4, 1976).

Both of the Commonwealth's Housing Courts witnessed an increase in court activity. The Boston Housing Court reported 9,121 entries, a 21% increase over the previous year's total of 7,514. A 15% increase in caseload occurred in the Hampden Housing Court, 3,567 entries in FY 76 compared to 3,105 entries in FY 75.

Summary Process Cases in both courts increased in volume. The Boston Housing Court reported 2,193 summary process cases in FY 76 and 1,627 in FY 75, an increase of 35%. The Hampden Housing Court's volume of summary process cases increased 41% from 1,140 cases in FY 75 to 1,609 in FY 76.

Small claims cases in the Boston Housing Court increased 198% from 403 to 1,203 cases.

The Boston Housing Court, on several occasions during this period, conducted its sessions in neighborhood locations.

DISTRICT COURTS

The sudden and unexpected death of Chief Justice Franklin N. Flaschner in February, 1976 deeply saddened those who admired his administrative leadership and accomplishments in the district courts. Chief Justice Flaschner had carefully and systemically laid the foundation for the continuing administrative improvement of the district court system as the "people's courts" of the Commonwealth.

Following the adoption of new Rules of Civil Procedure for use in the District Courts and Boston Municipal Court, efforts continued to modernize court forms. By the end of fiscal year 1976, 38 forms had been issued as part of the "Uniform Form District Court/Municipal Court Rules of Civil Procedure."

Other administrative accomplishments in the District Courts during fiscal year 1976 were:

- Expanded efforts in the recordation of court proceedings;
- Development of new procedures for assigning judges to various courts with the members of the Administrative Committee serving as assignment judges for specified regions of the state;
- Initiation of procedures for publication of the opinions of the Appellate Divisions;
- Organization of procedures whereby the Administrative Office may provide technical assistance to individual district courts and the appointment of court administrators in several of the larger district courts;
- Continued analysis of the trial *de novo* system and consideration of methods either to eliminate or improve it;
- Cooperation with the Department of Public Safety in efforts to simplify traffic case management by adoption of a uniform traffic citation; and
- Continuing development of a management information system for the district courts.

Much of the credit for these accomplishments must be attributed to the institutionalization by Chief Justice Flaschner to the "working committee" approach to management of the district courts. This approach has made use of the experience, insight and energies of many district court judges, clerks, probation officers and administrators in a balanced and comprehensive fashion.

BOSTON MUNICIPAL COURT

Under the leadership of Chief Justice Lewiton and the Office of the Administrative Assistant to the Chief Justice, the Boston Municipal Court continued to strive to improve its general management capacity through innovations in budget techniques and operation control, including improved utilization of personnel and equipment.

In FY 75, this court entered into a contract with the Massachusetts Defenders Committee which provided that Mass. Defender lawyers would represent all persons determined to be indigent by the court. This contract is the first of its kind in the Commonwealth.

Also commenced during fiscal 1975-1976 was a program to provide representation to those who were not determined to be sufficiently indigent to require counsel at public expense. Under this program the defendant pays a reduced fee for counsel.

The Boston Municipal Court commenced a case scheduling procedure which provides that certain types of cases will be heard at various times during the day. Small claims sessions have been scheduled for one Saturday each month.

The total number of civil entries in the BMC increased from 25,216 in FY 75 to 29,909 cases in FY76, an increase of 19%. The number of criminal complaints increased from 19,234 to 23,100 a 20% increase. The BMC continued to process a large number of criminal parking complaints. This category doubled in FY 75 from 240,445 in FY 74 to 478,069 in FY 75 and declined to 401,068 in FY 76.

JUVENILE COURTS

During the period July 1, 1975 - June 30, 1976, the total number of complaints in the four juvenile courts of Massachusetts remained at the same level as 1974-1975. The courts reported a total of 11,966 complaints in 1975-76 and 12,121 in 1974-75. The number of children in need of services (CHINS) also remained constant, 1,012 in 1976 and 1,010 in 1974-75. There was a slight decrease, 7%, in judicial determinations from 46,536 in 1975 to 43,495 in 1976. These figures reflect all matters brought for decisions before the justices of these courts and do not reflect the juvenile business conducted in the 65 district courts having juvenile jurisdiction. The caseload of the juvenile court of Bristol County, the only county-wide juvenile court in the Commonwealth was the largest of the four courts.

Employees of the Juvenile Courts have commented on the increase in female officers. For the past two years this trend has been confirmed by the courts' statistics. In FY 76, three of the four courts reported a higher number of female children in need of services than male. In both FY75 and FY76, the statewide total of CHINS reflected this same trend. The total number of children adjudicated delinquent still contains a much higher number of boys than girls. The Boston Juvenile Court appears to be the exception. In FY 75 the number of girls adjudicated "delinquent" was 26% of the total and in FY 76, 36%. The same figure in the other three juvenile courts range only from 8-10% of the total for both years.

What is probably more significant and by far more alarming is the increase in the total number of children appearing before the juvenile courts. In 1966, the Boston Juvenile Court reported 1,385 children "delinquent"; in 1976, 2,688, an increase of 94%. The number of judicial determinations reported in 1966 by the Boston Juvenile Court was 4,179; in 1976, 12,225, a 249% increase.

Because of the enactment on July 27, 1976 of St. 1976, c. 262, affecting G.L.c. 119, § 56 to transfer all de novo juvenile appeals arising in Suffolk County to the Boston Juvenile Court, the statistics reported in this report do not reflect the foreseeable increase in the de novo business of the Boston Juvenile Court.

PROBATION SERVICES

Since 1970, approximately \$2.6 million dollars in LEAA funds has been channeled to the courts' probation services through the Office of the Commissioner of Probation. Of this figure, approximately \$600,000 has been utilized by the Commissioner of Probation for administrative activities. The remainder, approximately \$2,000,000, was used for direct support of probation services.

In order to administer this large amount of federal money, the Office of the Commissioner of Probation established a grant management position which was incorporated into the Program Planning and Management Unit in 1974.

During the two and a half years of its existence, the PPMU has evolved through three distinct phases. Initially, activities focused upon program development and pre-trial diversion. By March, 1975, the PPMU in response to the passage of the Pre-trial Diversion Act, St. 1974, c. 781, had completed a draft of provisional certification standards for diversion programs.

The second phase of the PPMU's activities culminated in the implementation of a regional management system for the Office of the Commissioner of Probation.

The third phase, currently underway, places the greatest emphasis on system-wide policy development and personnel administration both for the central office and the local probation offices.

PPMU has also established an Affirmative Action Plan and rendered technical writing assistance to grant applicants within the probation service.

In November 1975, the PPMU initiated a probation newsletter for dissemination at regional meetings. The newsletter contains current developments, probation issues, and policy statements of the Office of the Commissioner of Probation.

In December, 1975, a Planning Committee consisting of deputy commissioners and probation supervisors was established to identify and define probation issues and to prepare policy recommendations for review by the Commissioner.

In 1975, the Chief Probation Officers of the Somerville, Cambridge, Malden, Woburn, Concord and Lowell District Courts and the Commissioner of Probation incorporated in Middlesex County Regional Probation Project (MCRP) as a vehicle for encouraging the sharing of resources, the reduction of duplication and for promoting cooperation among the probation departments of the District Courts of Middlesex County. During the summer of 1975, the Middlesex Classification and Addiction Screening and Evaluation project (C.A.S.E.) and the Middlesex diversion activities were merged with MCRP.

On July 30, 1974, amended Training Memorandum No. 15 required that "each probation officer . . . should complete a minimum of 45 hours of training during each three year period." By 1976, over 90 per cent of the probation service was in compliance with this requirement.

In the fall of 1975, over 350 probation officers participated in the Massachusetts Probation Training Needs Study. Some interesting statistics were developed as a by-product of this study:

Nearly 70 per cent of all probation officers have entered the probation service in the past six years.

Approximately 57 per cent of all probation officers are under age 35.

In terms of education, 96 per cent of probation officers possess bachelors degrees; 20 per cent have masters degrees and 8 per cent have law degrees.

PUBLICATION OF OFFICIAL LAW REPORTS

Notable progress has been made by the Reporter of Decisions, Thomas B. Merritt, and the members of his staff. During the 1976 fiscal year, the reporter edited and published four volumes of Massachusetts Reports. An additional four volumes, together with the first two volumes of Massachusetts Appeals Court Reports were also prepared and have been projected for publication before June 30, 1977. This will complete publication of the work started in 1974 by an emergency task force under Mr. Merritt's direction.

The budget passed by the 1976 session of the Legislature increased the staff of the Reporter of Decisions to a total of four attorneys. In addition, by St. 1976, c. 237, the Legislature abolished an ex-officio publication board and transferred to the reporter full responsibility for publication of official law reports of the Supreme Judicial Court and the Appeals Court. Both these developments will aid prompt and efficient publication and help to prevent recurrence of the backlog which had existed for several years.

Official advance sheets from both appellate courts continue to be published on a weekly basis. Since it contracted for this service in 1974 with Massachusetts Lawyers Weekly, the Commonwealth has achieved one of the fastest advance sheet services in the country.

On March 31, 1976, E. Olsen Field, Esq., retired after many years' distinguished service as First Deputy Reporter of Decisions of the Supreme Judicial Court and Appeals Court. Mrs. Nijole Slezas, who had been of the reporter's staff since 1974 and previously was an editorial attorney with the Appeals Court, was appointed to succeed him.

CAVEAT LECTOR

The 19th Annual Report of the Executive Secretary contained for the first time a page entitled "Caveat Lector" which cautioned readers against relying too heavily on the figures reported therein. Once again, this warning must be repeated. Although most of the figures reported are accurate, that is they could be verified by the county clerks and treasurers who reported them; they are not in a comparative sense.

For example, different budgeting and accounting procedures make it impossible to compare operating and maintenance expenditures accurately in almost all categories. There are also categories of expenditures which should be included as "costs", for example, debt reduction on county court buildings as well as insurance and pension costs for court employees, which have not been earmarked by the counties as "court" costs. The maintenance costs for "court" facilities should be examined closely. The *National Center for State Courts Study of Courthouse Facilities* pointed out that of the 97 facilities examined 62 provided space for functions unrelated to the administration of justice. Yet in some counties, the total maintenance costs for these buildings are included as "court" costs.

The caseload figures, upon close examination, appear inconsistent. In addition to the problem of delay involved in gathering these statistics, Suffolk County's criminal figures for this period, July 1, 1975 - June 30, 1976, were not submitted to this office until December 23rd, Plymouth's criminal figures were not submitted until January 31st, and the District Courts were not received until May, 1977.

Some of the figures are open to question. For example, at the close of FY 75, Suffolk County reported 8,944 criminal cases pending on June 30, 1975 yet the same county reported 11,733 cases pending one day later as of July 1, 1975, the start of FY 76. This office has undertaken to provide uniform definitions and to coordinate the work of the various clerks by the use of monthly reporting forms. The 21st Annual Report will reflect this overdue improvement. Other elementary reporting procedures in other courts must be improved, and recent Probate Courts and District Courts efforts to accelerate, simplify and audit reports are encouraging.

Appendices

APPENDIX I

COSTS OF OPERATING THE COURTS OF THE COMMONWEALTH

The cost of administering and operating the courts of the Commonwealth was determined from the following sources of information:

1. State court costs were obtained from the Financial Report of the Comptroller of the Commonwealth, fiscal year 1976.
2. A summary of receipts from courts which were sent to the Commonwealth was developed from records of the State Comptroller.
3. Federal Court Costs were obtained from the Annual Action Program for the Massachusetts Committee on Criminal Justice Report.
4. County Court Costs (with the exception of Suffolk County) were obtained from reports of the County Treasurers which were requested by this office.
5. County Court Costs (with the exception of Suffolk County) were also obtained from Public Document 29, The Annual Report on the Statistics of County Finances for the period ending June 30, 1976.
6. Suffolk County Court Costs were obtained from the following sources:
 1. A summary of receipts developed from the records of the Auditing Department City of Boston
 2. Records of the Real Property Division of the City of Boston
 3. City of Boston and County of Suffolk - General Revenue Funds -- Summary of Appropriations, Expenditures and Balances - year ending June 30, 1976.

COST AND RECEIPT TOTALS: 1966-1976

	Total Expenditures	% increase over Previous Year's Expenditures	Total Receipts	% increase over Previous Year's Receipts
1966	26,960	2%	5,419	20%
1967	30,148	12%	6,525	20%
1968	34,536	15%	6,149	-6%
1969	37,792	9%	7,094	15%
1970	43,599	15%	9,620	36%
1971	48,837	12%	8,100	-16%
1972	53,294	9%	9,162	13%
1973	64,884	22%	13,302	45%
1974	*78,376	21%	14,935	12%
1975	*99,022	26%	17,961	20%
1976	*99,345	.33%	16,059	-11%

* Includes federal expenditures. In previous years federal expenditures were not included in court costs.

These figures were reported by the county treasurers and have been compiled by this office in this form for several years. I have no explanation for why receipts are down 11%. A bill sponsored by the Judicial Conference to increase filing fees in the Superior Court, the Appeals Court and the Supreme Judicial Court would increase receipts approximately five per cent. In the absence of more efficient reporting systems, such as the Massachusetts Court Budget Book, it is difficult to measure with accuracy the total cost of our courts.

SUMMARY OF COSTS AND RECEIPTS ASSOCIATED WITH ADMINISTERING AND OPERATING COURTS IN THE COMMONWEALTH OF MASSACHUSETTS

Total Costs of Administering and Operating All Courts In the Commonwealth of Massachusetts

Fiscal 1976

SOURCE	EXPENDITURE TOTAL
Federal Government	\$ 3,461,518.00
Commonwealth of Massachusetts	18,455,915.00
Fiscal Year Total	\$21,917,433.00

County Court Expenditures July 1, 1975 - June 30, 1976

Barnstable	\$ 1,794,156.11
Berkshire	1,229,641.97
Bristol	3,677,571.26
Dukes	173,477.35
Essex	5,909,798.59
Franklin	553,225.00
Hampden	5,844,129.67
Hampshire	1,182,689.20
Middlesex	17,658,723.03
Nantucket	83,621.55
Norfolk	5,415,320.24
Plymouth	4,026,056.02
Suffolk	22,892,681.00
Worcester	6,406,368.68
Counsel fees and medical expenses in mental health commitment cases (not broken down by county)	580,302.58
12 Month Total for Counties	\$77,427,762.25
Total Federal, Commonwealth and County Expenditures for Fiscal Year 1976	\$99,345,195.25

The large increase in county court costs over the past 10 years is depicted on p. 60. Over the same period the total amount spent by the Commonwealth on the courts increased 228% from \$5,624,624 in 1966 to \$18,455,915 in 1976.

Total Receipts of the Courts in the Commonwealth

Fiscal Year 1976

SOURCE	RECEIPT TOTAL
Receipts from Courts which were sent to the Commonwealth	\$ 3,057,940.72
Receipts from Courts which were sent to the Counties:	
Barnstable	\$ 298,715.34
Berkshire	152,038.97
Bristol	384,917.29
Dukes	14,908.44
Essex	738,879.35
Franklin	90,810.00
Hampden	471,147.39
Hampshire	127,220.35
Middlesex	1,536,559.13
Nantucket	5,234.80
Norfolk	529,345.10
Plymouth	380,467.98
Suffolk	7,350,040.00
Worcester	921,256.00
Total for Counties for 12 months	\$13,001,540.14
Total Commonwealth and County Receipts for Fiscal Year 1976	\$16,059,480.86

The Commonwealth receipts are from filing fees in the Supreme Judicial Court, the Appeals Court, the Land Court and the Probate Courts. All trial court filing fees go to the respective county treasury with two exceptions: those in the Land Court and the Probate Courts go to the treasury of the Commonwealth.

The disparity between costs and receipts of the several counties is great. (In Suffolk, court receipts were 32% of court costs; in Middlesex, the comparable figure was 8%) and suggests further reason for the state to assume the costs and receipts of all court business in the Commonwealth.

COUNTY COURT COSTS

The following chart is a summary of the total amounts spent by the counties during FY 76 on their courts. These courts would include the Superior Court, Probate Court and Registry of Probate, the District Courts, as well as a Juvenile Court in four counties (Suffolk, Worcester, Bristol and Hampden) and a Housing Court in two counties (Suffolk and Hampden). The per cent figure following each amount represents the per cent of its total court budget which the individual county expended on that particular category of costs. County court costs are charged to local property tax rates.

With four exceptions, all clerks' offices' expenses fall between 20 and 30 per cent. One, Hampshire -- an atypical county, is at 18 per cent. Another atypical county, Nantucket, is at 50 per cent. The only aberration appears to be Suffolk County at 32% -- the only county with three clerks and the only county responsible for providing services to the SJC.

Again with the exception of Suffolk County, court officers' salaries range from 3-8 per cent. Suffolk is at 11 per cent. The explanation might lie in any one or a combination of the following theories:

- a. There is an over-abundance of court officers in Suffolk County.
- b. Given the volume and nature of court business in Suffolk County, there is a need for a large number of court officers.
- c. Court officer salaries are substantially higher in Suffolk County.
- d. The scheduling of a high proportion of Superior Court sessions in Suffolk County necessarily inflates this figure.
- e. Only Suffolk County is required to pay court officers for the SJC.

With the exception of Nantucket and Dukes Counties, probation costs range from 18 to 25 per cent.

Juror costs (Suffolk not available) generally range from 4 to 7 per cent. Berkshire (12 per cent) and Franklin (10 per cent) are the apparent exceptions.

No county exceeds 1 per cent for witness fees.

Masters fees range around 2 per cent with a 4 per cent maximum in Dukes County and 1 per cent in Suffolk County.

Indigent defense expenses generally range from 3 to 7 per cent.

District attorney expenses generally range from 2 to 6 per cent with a high of 10 per cent in Norfolk County.

Maintenance and bonded debt expenditures vary considerably depending upon the number of facilities, their physical condition and the building program of a given county. When these two facilities related figures are added together, the differences are not all that startling with some exceptions, e.g., Middlesex (31 per cent), Norfolk (34 per cent), Nantucket (0 per cent). On maintenance alone, Middlesex at 21 per cent and not Suffolk is the highest county in the state.

COUNTY COURT EXPENDITURES

July, 1975 - June, 1976

County	Justices		Clerks Offices		Court Officers		Probation		Jurors		Witnesses	
Barnstable	167,644.49	9%	369,230.36	21%	123,107.64	7%	373,680.94	21%	68,544.41	4%	11,571.29	64%
Berkshire	126,801.12	10%	330,193.53	27%	58,140.58	5%	210,115.31	17%	142,063.12	12%	4,967.60	.39%
Bristol	248,847.60	7%	1,033,533.89	28%	223,285.62	6%	826,753.12	22%	199,134.64	5%	19,239.15	.52%
Dukes	10,199.00	6%	50,604.56	29%	9,030.88	5%	20,798.99	11%	10,836.77	6%	622.04	.36%
Essex	434,100.91	7%	1,417,573.94	24%	395,682.09	7%	1,386,087.98	23%	411,649.63	7%	44,125.32	.75%
Franklin	58,175.00	11%	211,008.00	38%	28,421.00	5%	97,342.00	18%	57,657.00	10%	2,418.00	.44%
Hampden	323,877.51	6%	1,431,276.44	24%	482,654.15	8%	1,458,936.56	25%	283,629.92	5%	23,814.48	.40%
Hampshire	65,826.44	6%	216,693.84	18%	57,913.42	5%	214,981.82	18%	77,600.00	7%	4,730.08	.40%
Middlesex	899,528.00	5%	3,912,105.06	22%	934,540.41	5%	3,264,334.80	18%	815,441.68	5%	47,461.70	.27%
Nantucket	21,725.68	26%	41,678.06	50%	3,633.29	4%	5,461.07	7%	3,685.52	4%	59.40	.07%
Norfolk	552,443.81	10%	1,395,709.64	26%	212,880.77	4%	1,250,711.92	23%	266,555.72	5%	13,564.80	.25%
Plymouth	265,515.42	7%	934,192.14	23%	225,733.58	6%	1,061,753.94	26%	177,665.08	4%	23,119.83	.57%
Suffolk	923,262.00	4%	7,346,490.00	32%	2,626,271.00	11%	4,140,713.00	11%	877,200.00	4%		
Worcester	913,754.29	14%	1,852,310.88	29%	334,358.23	5%	1,592,408.98	25%	297,319.46	5%	43,114.14	.67%
Total	5,011,701.29	7%	20,542,600.34	27%	5,715,652.66	7%	15,904,150.43	21%	3,688,982.95	5%	238,807.83	.31%

COUNTY COURT EXPENDITURES
July, 1975 - June, 1976

Masters		Indigent Defense		All Others		District Attorney		Maintenance		Courthouse Bonded Debt		Total	% of Total County Budget	
29,771.13	2%	57,928.36	3%	61,788.79	3%	51,893.56	3%	363,597.64	20%	115,397.50	6%	1,794,156.11	298,715.34	17%
21,032.50	2%	40,877.47	3%	110,533.17	9%	60,821.32	5%	104,896.25	9%	19,130.00	2%	1,229,641.97	152,038.97	12%
33,764.28	1%	246,509.63	7%	278,436.53	8%	80,121.82	2%	479,843.88	13%	8,101.10	.22%	3,677,571.26	384,917.29	10%
7,124.32	4%	7,092.25	4%	25,273.82	15%	9,340.34	5%	20,574.38	12%	1,980.00	1%	173,477.35	14,908.44	9%
119,992.54	2%	176,132.60	3%	297,289.63	5%	140,565.14	2%	689,023.76	12%	397,575.00	7%	5,909,798.59	738,897.59	13%
0	0	6,259.00	1%	0	0	34,925.00	6%	57,020.00	10%	0	0	553,225.00	90,810.00	16%
103,003.45	2%	261,375.07	4%	234,584.53	4%	155,335.96	3%	425,076.60	7%	660,565.00	11%	5,844,129.67	471,147.39	8%
1,725.00	.15%	13,528.95	1%	147,777.48	13%	74,049.41	6%	167,262.76	14%	140,600.00	12%	1,182,689.20	127,220.35	11%
211,294.75	1%	144,554.85	.82%	1,633,943.01	9%	435,685.10	2%	3,617,331.17	21%	1,742,502.50	10%	17,658,723.03	1,536,559.13	9%
191.00	.23%	3,531.64	4%	1,402.45	2%	2,253.54	3%	0	0	0	0	83,621.55	5,234.80	6%
126,897.50	2%	82,836.00	2%	135,563.37	3%	524,730.13	10%	769,911.58	14%	83,515.00	2%	5,415,320.24	529,345.10	10%
38,942.57	.97%	233,201.72	6%	326,873.57	8%	124,731.12	3%	377,029.72	9%	237,297.33	6%	4,016,056.02	380,467.98	9%
340,000	1%	669,615.00	3%	1,733,150.00	8%	998,845.00	4%	3,237,126.00*	14%	0	0	22,892,681.00	7,350,040.00	32%
54,917.26	.86%	163,132.68	3%	53,081.99	1%	104,425.90	2%	787,852.00	12%	209,692.77	3%	6,406,368.68	921,256.00	14%
1,088,656.35	1%	2,106,575.22	3%	5,039,698.34	7%	2,797,732.34	4%	11,096,545.74	14%	3,616,356.20	5%	76,847,459.67**	13,001,540.14	

*This expenditure of \$3,237,126.00 for maintenance of Suffolk County Court facilities should be reduced by \$922,839 an amount which the state reimbursed Suffolk County for operating the Suffolk County Courthouse. See St. 1939 c. 383.

**Not included in the \$76,847,459.67 total is an expenditure of \$580,302.58 which represents the total county expenditure for commitment of mentally ill and county medical examination service.

THE INCREASE IN COUNTY COURT BUDGETS 1966 - 1976

	1966 Population	1966 Total County Court Costs	1976 Population	1976 Total County Court Costs	% + in County Court Budgets	% + in Population	1966 Total County Budget	Court %	1976 Total County Budget	Court %	1966-1976 % + in Total County Budget
Plymouth	292,697	835,913	377,500	4,026,056	381%	29%	2,326,809	36%	7,701,620	52%	231%
Barnstable	73,557	372,788	126,481	1,794,156	381%	72%	2,360,541	16%	6,818,338	26%	189%
Hampden	435,281	1,319,293	461,659	5,844,130	342%	6%	2,839,983	46%	10,154,569	58%	258%
Dukes	5,948	41,449	7,951	173,447	318%	34%	277,944	15%	700,803	25%	152%
Middlesex	1,280,235	4,257,642	1,397,524	17,658,723	314%	9%	11,558,935	37%	31,880,304	55%	176%
Hampshire	100,065	295,262	122,729	1,182,689	300%	23%	761,481	39%	2,731,188	43%	259%
Norfolk	560,137	1,436,143	620,346	5,415,320	277%	11%	3,644,495	39%	10,658,689	51%	192%
Essex	608,996	1,613,625	631,627	5,909,799	266%	4%	5,361,940	30%	14,302,995	41%	167%
Franklin	57,687	160,650	63,420	553,225	244%	10%	558,696	29%	1,421,086	39%	154%
Worcester	609,909	1,866,051	640,058	6,406,369	240%	5%	4,341,867	43%	13,680,451	47%	215%
Bristol	415,242	1,133,103	461,852	3,677,571	225%	11%	2,857,589	40%	8,608,551	43%	201%
Suffolk	702,216	7,544,979	724,703	22,892,681	203%	3%	11,233,741	67%	28,085,461	82%	150%
Berkshire	145,597	409,639	148,069	1,229,642	200%	2%	1,239,634	33%	3,086,785	40%	149%
Nantucket	3,714	28,437	5,559	83,622	194%	50%	47,000	61%	171,225	49%	264%
		\$21,314,974		\$76,847,430			\$49,410,655		\$140,002,065		

- 09 -

This chart compares the increase in population, county budgets and county court budgets from 1966 to 1976. The counties are ranked in order of the counties which witnessed the largest per cent increase in the court budgets over this 10 year period. Plymouth County (which ranks first) increased its total court budget by 381% (see column 5); yet increased its total county budget by only 231%. In 1966 Plymouth County spent 36% of its total county budget on courts, in 1976 Plymouth spent 52% of its total budget on courts. Despite the increase in civil allocations, the number of backlogged cases at the Superior Court level continued to grow. The number of pending civil cases in Plymouth County increased 160% (see chart showing the change in Superior Court business since 1966) while the number of backlogged criminal cases increased by 311%. The same pattern has been reported, to varying degrees, in the other 13 counties.

Calculation of Cost Entry in Constant Dollars for Courts of the Commonwealth

1960-1976

Year	Total Cost (000 's)	Boston Consumer Price Index*	Total Cost in 1967 Dollars** (000'0)	Total Civil and Criminal Entries	Cost Per Entry in 1967 Dollars
1960	\$18,847	.865	\$21,788	607,552	\$35.86
1961	19,711	.877	22,475	633,712	35.47
1962	21,343	.896	23,820	675,260	35.28
1963	22,120	.914	24,201	730,530	33.13
1964	23,930	.927	25,814	806,902	31.99
1965	26,494	.945	28,036	870,894	32.19
1966	26,960	.977	27,595	948,347	29.10
1967	30,148	1.000	30,148	1,103,084	27.33
1968	34,536	1.041	33,176	1,122,989	29.54
1969	37,792	1.100	34,356	1,193,879	28.78
1970	43,599	1.167	37,360	1,376,016	27.15
1971	48,837	1.227	39,802	1,544,516	25.77
1972	53,294	1.271	41,931	1,749,418	23.97
1973	64,884	1.347	48,169	1,727,383	27.89
1974	78,376	1.497	52,355	1,727,660	30.30
1975	99,022	1.630	60,750	2,105,191	28.86
1976	99,345	1.719	57,792	2,078,695	27.80

*Source: U.S. Commerce Department (1967=1.00)

**Total Cost - Consumer Price Index

Fiscal 1975 Expenditures of the Courts in the Commonwealth (000's)

	Common- wealth	Suffolk County	Other Counties	LEAA*	Totals
Supreme Judicial Court.....	3,473	420	0	0	3,893
Appeals Court.....	.676	139 **	0	0	815
Superior Courts.....	4,331	3,067	9,498	0	16,896
Probate Court and Registry.....	4,336	234	1,145	0	5,715
Land Court.....	.962	0	0	0	962
Housing Courts.....	.0	551	107	0	658
County Clerks.....	.0	3,736	3,362	0	7,098
Juvenile Courts.....	.0	1,246	1,687	0	2,933
Superior Court Probation.....	2,561	290	661	0	3,512
District Courts.....	.126	9,465	26,019	0	35,610
Pensions, Libraries, Mental Health and Other. . .	1,068	781	580	0	2,429
Maintenance and Interest Payments.....	.923	2,963	11,476	0	15,362
Federal Projects.....	.0	0	0	3,462	3,462
Totals.....	18,456	22,892	54,535	3,462	99,345

*Law Enforcement Assistance Administration (Federal Funds)

**The Commonwealth reimburses Suffolk County for this expenditure

APPENDIX II

STATISTICS ON WORK ACCOMPLISHED BY THE COURTS IN THE COMMONWEALTH

SUPREME JUDICIAL COURT

Record of Cases

(Statistics Reported for Fiscal Year 1976)

County	Opinions	Rescripts	Total	Criminal Cases in Total	Pending Opinions Not Released
Barnstable	5	1	6	2	0
Berkshire	5	1	6	3	0
Bristol	11	2	13	6	0
Dukes	2	0	2	1	0
Essex	10	2	12	3	0
Franklin	2	0	2	0	0
Hampden	7	3	10	5	0
Hampshire	2	0	2	2	1
Middlesex	47	6	53	16	2
Nantucket	1	0	1	0	0
Norfolk	12	4	16	5	0
Plymouth	9	3	12	1	0
Suffolk	120	15	135	42	0
Worcester	22	5	27	7	1
TOTALS	255	42	297*	93	4**

* This figure does not include the following:

One (1) case which was heard and voluntarily dismissed

One (1) case which was heard and transferred to 1976-1977

**Decisions Not Rendered as of March 16, 1977.

Record of Cases

Cases	Days from Entry-to Consideration	Average	Days from Consideration to Decision	Average	Days from Entry-to Decision	Average
297	41,457	139.5	26,929	90.7	68,386	230.2

	%	No.
Decisions of lower court <i>affirmed</i>	57%	168
Decisions of lower court <i>reversed</i>	26%	76
Decisions of lower court <i>modified and affirmed</i>	3%	9
No decision in lower court	12%	36
Appeals dismissed	2%	6
Remanded		1
Rehearing denied		1
TOTALS	100%	297
Cases argued	93%	274
Cases submitted on briefs	3%	11
Argued and Briefs	100%	297

Court of Origin

Full Court	0
Supreme Judicial Court	48
Appeals Court	0
Superior Court	198
Land Court	4
Probate Court	21
Municipal/District Court	20
Juvenile Court	0
Housing Court	4
TOTAL	295
Certification under Rule 3:21 from U.S.	
Dist. Ct. - D. Mass.	1
Opinion on rehearing	1
TOTAL	297
Advisory Opinions	8
Dissenting Opinions	16
Concurring Opinions	4

SUPREME JUDICIAL COURT FOR THE COUNTY OF SUFFOLK

Civil

Petitions for admission to the bar	2,142
Appeals from the Appellate Tax Board	34
Petitions for extraordinary writs	19
Informations	21
Petitions for writ of general superintendence	7
Petitions for declaratory judgment or relief	23
Petitions for dissolution	38
Others	301
TOTAL	2,585

Criminal

Applications for witness immunity	5
Writs of error	50
Mandamus	6
Habeas corpus	14
Petitions relating to bail or to stays of execution	80
Others	113
TOTAL	268

TOTAL CIVIL AND CRIMINAL - 2,853

APPEALS COURT

(September 1, 1975 - June 30, 1976)

County	Cases Heard		Disposition		Pending opinions not released
	Criminal	Civil	Full Opinions	Rescript Opinions	
Barnstable	3	12	10	5	0
Berkshire	0	4	4	0	0
Bristol	2	17	8	9	0
Dukes	0	0	0	0	0
Essex	3	13	8	8	0
Franklin	0	1	0	1	0
Hampden	4	9	9	4	0
Hampshire	2	6	3	3	1
Middlesex	11	40	20	28	2
Nantucket	0	7	5	2	0
Norfolk	1	20	9	11	0
Plymouth	0	34	31	3	0
Suffolk	30	53	32	47	2
Worcester	6	24	13	13	3
	62	240	152	134	8
	302				

Record of Cases

Cases	Days from Entry-to Consideration	Average	Days from Consideration to Decision	Average	Days from Entry-to Decision	Average
289	70,881	245.26	32,285	111.71	102,166	356.98

	No.	%
Decision of lower court <i>modified and affirmed</i>	10	3%
Decision of lower court <i>affirmed</i>	199	69%
Decision of lower court <i>reversed</i>	77	27%
No decision of lower court	2	1%
Appeals dismissed	1	0%
	289*	100%

*Does not include 8 cases for which no decisions have been rendered.

Cases argued	205	68%
Cases submitted on briefs	68	22%
Cases argued and on briefs	29	10%
Appeals Dismissed		
On motion of appellee (Rule 15 (c))	22	
For lack of prosecution (Standing Order No. 17)	81	
Voluntary Dismissals (Rule 29(b) (c))	103	
	206	
Single Justice Matters	2,268*	

*Cases in which the petitioner has requested interlocutory relief in the Appeals Court.

SUPREME JUDICIAL COURT AND APPEALS COURT: A FIVE YEAR COMPARISON*

SUPREME JUDICIAL COURT

	1972	1973	1974	1975	1976
TOTAL OPINIONS **	414	184	194	268	297
No. of days from entry to consideration	152.3	163.8	95.3	139.4	139.5
No. of days from consideration to decision	67.3	81.7	86.6	95.2	90.7
No. of days from entry to decision	219.6	245.5	181.9	234.6	230.2

APPEALS COURT

TOTAL OPINIONS **	217	263	256	289
No. of days from entry to consideration	78.9	160.1	185.2	245.3
No. of days from consideration to decision	129.5	127.8	65.7	111.7
No. of days from entry to decision	208.5	287.9	250.9	356.9

* This chart shows the assistance given to the Supreme Judicial Court by the creation of the Appeals Court in 1972 and also shows the steady increase in the appellate caseload of both Supreme Judicial Court and Appeals Court. It is alarming that the average time between entry and decision in the Appeals Court is almost one year.

**The figures above reflect opinions written not cases decided. One opinion may decide several companion cases.

SUMMARY OF CIVIL AND CRIMINAL ENTRIES IN ALL TRIAL COURTS

CIVIL

	1974	1975	1976
Superior Court	31,980	32,247	31,085
Land Court	7,048	7,364	7,699
Probate Courts	124,681	102,333	107,853
Boston Municipal Court	24,509	25,216	29,909
District Courts	196,398	223,025	233,716
Housing Courts	9,612	5,674	7,490
Total	394,156	395,859	417,752

CRIMINAL

	1974	1975	1976
Superior Court	17,503	17,330	19,016
Boston Municipal Court	260,527	497,303	424,168
District Courts	1,044,127	1,177,633	1,200,595
Juvenile Courts	11,347	12,121	11,966
Housing Courts	-----	4,945	5,198
Total	1,333,504	1,709,332	1,660,943

TOTAL CIVIL AND CRIMINAL ENTRIES

	1974	1975	1976
Superior Court	49,411	49,577	50,101
Land Court	7,048	7,364	7,699
Probate Courts	124,681	102,333	107,853
Housing Courts	9,612	10,619	12,688
Boston Municipal Court	285,036	522,519	454,077
District Courts	1,240,525	1,400,658	1,434,311
Juvenile Courts	11,347	12,121	11,966
Total	1,727,660	2,105,191	2,078,695

This chart reflects a 1% decrease in the total number of entries in our trial courts in Fiscal 1976, a decrease due in part to 77,000 fewer parking complaints in the Boston Municipal Court. The time consuming cases, such as Superior Court criminal entries, continued to increase.

CIVIL STATISTICS IN THE SUPERIOR COURT
FOR FISCAL YEAR 1976

	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden
Cases at Start.	1,997	1,236	3,224	118	9,884	303	4,807
Jury.	750	824	1,954	15	5,692	199	3,246
Non-Jury.	1,247	412	1,270	103	4,192	104	1,561
Cases Entered	978	512	1,771	58	2,890	161	1,609
Jury.	310	256	723	22	1,456	66	957
Non-Jury.	668	256	1,048	36	1,434	95	652
Cases Disposed Of.	870	633	2,374	32	3,227	184	2,633
Jury.	258	332	1,086	5	2,023	129	1,586
Non-Jury.	612	301	1,288	27	1,204	55	1,047
Pending at End	2,105	1,115	2,621	144	9,547	280	3,783
Jury.	802	748	1,591	32	5,125	136	2,617
Non-Jury.	1,303	367	1,030	112	4,422	144	1,166
Number of Triable							
Jury Actions	570	681	1,851	32	5,125	130	2,617
Under 12 Months Old . . .	202	191	800	5	1,292	49	705
Over 12 Months Old	368	490	1,051	27	3,833	81	1,912
Per Cent Over 12 Months Old	65%	72%	57%	85%	75%	62%	63%
Number of Superior Court Judge Days	77	104	297	15	480	40	222
Number of District Court Judge Days	0	0	0	0	10	0	0

This chart shows in some detail the information summarized on p. 44 . The percentage of jury cases over 12 months old is one of few measures of delay now in use. We must improve our poor methods of measuring civil and criminal delay, particularly when the subject is of such great concern to the public and our judicial leadership.

CIVIL STATISTICS IN THE SUPERIOR COURT
FOR FISCAL YEAR 1976

							FY 76	FY 75
Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	State Total	State Total
660	22,334	0	7,527	7,000	29,405	4,796	93,291	85,301
397	12,700	0	4,215	3,481	15,489	4,010	52,972	50,985
263	9,634	0	3,312	3,519	13,916	786	40,319	34,316
342	6,704	40	3,140	1,867	7,902	3,111	31,085	32,247
150	4,204	16	1,908	748	3,483	839	15,139	16,963
192	2,500	24	1,231	1,119	4,419	2,272	15,946	15,284
284	10,500	11	2,471	1,575	5,282	3,285	33,361	27,558
140	7,494	3	1,622	1,072	3,044	1,805	20,599	15,545
144	3,006	8	849	503	2,238	1,480	12,762	10,013
718	18,538	29	8,196	7,292	32,025	4,622	91,015	89,990
407	9,410	13	4,502	3,157	15,928	3,044	47,512	50,403
311	9,128	16	3,694	4,135	16,097	1,578	43,503	39,587
357	10,008	39	4,067	3,010	12,107	2,373	42,967	43,842
114	3,308	13	1,125	669	2,583	997	12,053	11,870
243	6,700	26	2,942	2,341	9,524	1,376	30,914	31,972
68%	67%	66%	72%	78%	78%	58%	72%	73%
28	836	5	296	242	1,207	273	4,122	4,186
0	193	0	0	0	144	60	407	518

SUMMARY OF CIVIL STATISTICS IN THE SUPERIOR COURT
Fiscal 1976

Total Cases Pending at Start:

Jury.....	52,972
Non-Jury.....	40,319
Total.....	93,291

Total Entries During Period:

Jury.....	15,139
Non-Jury.....	15,946
Total.....	31,085

Total Dispositions During Period:

Jury.....	20,599
Non-Jury.....	12,762
Total.....	33,361

Total Cases Pending at End of Period:

Jury.....	47,512
Non-Jury.....	43,503
Total.....	91,015

Percentage of Increase During Period:

Jury.....	decrease of 10%
Non-Jury.....	increase of 8%
Total.....	decrease of 2%

Total Number of Triable Jury Actions:

	1975	1976
Under 12 Months Old	11,870	12,053
Over 12 Months Old	31,972	30,914
Total.....	43,842	42,967

An encouraging reduction in the number of pending civil cases and in the percentage of pending cases over one year old is apparent from this summary.

LIST OF COUNTIES IN ORDER OF % DECREASE OR INCREASE IN PENDING CIVIL CASES IN THE SUPERIOR COURT - FISCAL 1976

County	Rank Last Year	Cases Pending at Start	Cases Filed During Year	Cases Disposed Of	Cases Pending at End	No. of Cases Gained or Lost Over Previous Year	% of Total Cases Disposed Of	% Increase or Decrease in Pending Cases		Superior Court Judge Days		Difference
								1976	1975	1976	1975	
Hampden	3	4,807	1,609	2,633	3,783	-1,024	41%	-21%	-5%	222	243	-21
Bristol	6	3,224	1,771	2,374	2,621	-603	48%	-19%	+3%	297	253	+44
Middlesex	7	22,334	6,704	10,500	18,538	-3,796	36%	-17%	+3%	836	952	-116
Berkshire	1	1,236	512	633	1,115	-121	36%	-10%	-27%	104	61	+43
Franklin	2	303	161	184	280	-23	40%	-8%	-19%	40	26	+14
Worcester	14	4,796	3,111	3,285	4,622	-174	42%	-4%	+49%	273	313	-40
Essex	4	9,884	2,890	3,227	9,547	-337	25%	-3%	-3%	480	216	+164
Plymouth	8	7,000	1,867	1,575	7,292	+292	18%	+4%	+3%	242	214	+28
Barnstable	10	1,997	978	870	2,105	+108	29%	+5%	+11%	77	88	-11
Hampshire	11	660	342	284	718	+58	28%	+9%	+11%	28	15	+13
Norfolk	5	7,527	3,140	2,471	8,196	+669	23%	+9%	-2%	296	339	-43
Suffolk	9	29,405	7,902	5,282	32,025	+2,620	14%	+9%	+4%	1,207	1,449	-242
Dukes	12	118	58	32	144	+26	18%	+22%	+12%	15	10	+5
Nantucket	13	0	40	11	29	+29	28%	+2900%	+31%	5	6	-1
State Total		93,291	31,085	33,361	91,015	-2,276	30%	-4%	+2%	4,122	4,186	-64
								average	average			

This chart shows that seven counties witnessed a decrease in the number of pending civil cases at the end of Fiscal 1976, an improvement over last year's five counties. Several counties reflect dramatic improvement, particularly Hampden (first, up from third), Bristol (second, up from sixth), Middlesex (third, up from seventh) and Worcester (sixth, up from last place). The price paid on the criminal side for improvements on the civil side is shown by Hampden, which went from fourth to twelfth on the criminal side. Somehow Worcester fared better, retaining in effect its first place on the criminal side, although it had 40 fewer Superior Court judge days on the civil side and only 9 more were on the criminal side. What caused such progress? Not necessarily more judge days: Middlesex, for example, went from seventh to third despite 116 fewer Superior Court judge days than in 1975. Essex went backwards from fourth to seventh despite an increase of 164 judge days. (On the other hand Norfolk and Suffolk went backwards from fifth to eleventh and ninth to twelfth with a decrease of 43 and 243 civil judge days, respectively.) Obviously more judge power is needed in the Superior Court; this analysis confirms the truism that better management of our resources is also needed to reduce our Superior Court caseload and its attendant delays.

MASSACHUSETTS SUPERIOR COURT
Comparative Time-Lag by Counties - Civil Cases

Number of Months

	June 30, 1974	June 30, 1975	June 30, 1976	% Change 74-75	%Change 75-76
Barnstable	38	34.5	46	-9%	+33%
Berkshire	39.26	29.06	31.5	-26%	+8%
Bristol	33.4	39.9	32.7	+19%	-18%
Essex	44.9	61	46.9	+36%	-23%
Franklin	36.2	33.3	28.1	-8%	+16%
Hampden	46	36	42	-22%	+17%
Hampshire	18	20	22	+11%	+10%
Middlesex	60	60	60	0	0
Norfolk	48.16	36.75	41.4	-24%	+13%
Plymouth	53.89	57.19	65.82	+6%	+15%
Suffolk	49	56	57	+14%	2%
Worcester	36	32	28	-11%	-13%
Fitchburg	27	21	20	-22%	-5%

The figures are averages and therefore subject to distortion. By Fiscal 1979 I hope to report civil and criminal delay on a median basis on both civil and criminal sides of the Superior Court; in the meantime, this rather crude statement of delay is our only measure of trial court delay, and relates to the civil side of one court.

RELATIONSHIP BETWEEN SUPERIOR AND DISTRICT COURTS

Civil Cases Remanded to the District Courts

	To District Courts	To BMC	Total
1966	10,502	1,461	11,963
1967	12,585	1,733	14,318
1968	12,234	2,663	14,897
1969	10,986	3,823	14,809
1970	10,137	2,048	12,185
1971	10,818	2,029	12,847
1972	10,925	2,192	13,117
1973	8,152	1,656	9,808
1974	7,202	820	8,022
1975	3,119	734	3,853
1976	3,692	650	4,342

Retransfers to the Superior Court After Trial

	To District Courts	To BMC	Total
1966	1,412	246	1,658
1967	1,546	262	1,808
1968	1,588	317	1,905
1969	1,454	373	1,827
1970	1,309	351	1,660
1971	1,341	308	1,649
1972	1,104	309	1,413
1973 .....	.905	254	1,159
1974 .....	.847	185	1,032
1975 .....	.746	139	885
1976 .....	.589	80	669

In 1974 the legislature increased the remand from \$2,000 to \$4,000. G.L.c. 231, § 102C. There is no valid explanation why the number of cases remanded from the Superior Court to the District Courts should thereafter decline from 8,022 in 1974 to 3,853 in 1975. It is encouraging to see an 18% increase in the number of civil cases remanded by the Superior Court to the District Courts in 1976, even if the corresponding figure declined in the Boston Municipal Court. The Superior Court judges and clerks should continue their efforts to increase use of the remand procedure.

Removals from the District Courts to the Superior Court

	From District Courts	From BMC	Total
1966	8,604	670	9,274
1967	9,016	734	9,750
1968	9,419	872	10,291
1969	10,438	1,002	11,440
1970	11,228	1,153	12,381
1971	11,852	1,496	13,348
1972	9,556	1,357	10,913
1973	6,982	1,098	8,080
1974	5,609	949	6,558
1975	4,436	819	5,255
1976	3,713	502	4,215

**CRIMINAL CASES AND DEFENDANTS REPORTED
IN THE SUPERIOR COURT - FISCAL 1976**

Description	Barnstable	Berkshire	Bristol	Dukes	Essex	Franklin	Hampden
<i>Total Cases at Start</i>	1,245	692	3,589	52	4,209	168	5,671
Indictments at Start	458	416	1,989	43	1,660	70	2,653
Appeals at Start.	787	276	1,600	9	2,549	98	3,018
<i>Total Cases Entered</i>	1,013	564	3,233	116	3,154	292	4,816
Indictments Entered	326	465	1,629	63	1,070	112	3,403
Appeals Entered	687	99	1,604	53	2,084	180	1,413
<i>Total Cases Disposed Of</i>	1,056	639	2,681	82	4,094	174	3,378
Indictments Disposed Of.	320	368	1,488	37	1,381	54	2,484
By Trial.	31	27	68	37	133	10	225
Otherwise	289	341	1,420	0	1,248	44	2,259
Appeals Disposed Of.	736	271	1,193	45	2,713	120	894
By Trial.	72	17	26	14	39	16	94
Otherwise	664	254	1,167	31	2,674	104	800
<i>Total Pending Cases</i>	1,202	617	4,141	86	3,269	286	7,109
Pending Indictments	464	513	2,130	69	1,349	128	3,572
Pending Appeals	738	104	2,011	17	1,920	158	3,537
No. of Defendants in Pending Indictments	117	146	1,292	20	699	50	3,173
No. of Defendants in Pending Appeals	398	67	892	17	1,104	75	2,506
No. of Superior Court Judge Days	69	58	189	15	309	33	300*
No. of District Court Judge Days	43	35	33	0	176	17	40*

This chart shows in some detail the information summarized on p. 44 and reflects a 19% increase in pending cases as of June 30, 1976. The number of criminal defendants is also included: a 31% increase in pending defendants under indictment and a 9% increase in pending defendants on appeal from convictions in the District Courts. These increases are disturbing in the light of the 4% increase in Superior Court judge days and a 63% increase in District Court judge days for misdemeanor appeals.

* Estimated

CRIMINAL CASES AND DEFENDANTS REPORTED
IN THE SUPERIOR COURT - FISCAL 1976

Hampshire	Middlesex	Nantucket	Norfolk	Plymouth	Suffolk	Worcester	1976 State Total	1975 State Total
1,099	6,280	26	2,433	3,516	11,733	2,003	42,716	37,508
661	3,094	21	1,133	1,481	7,061	1,195	21,935	21,596
438	3,186	5	1,300	2,035	4,672	808	20,781	15,912
597	5,407	20	2,595	2,953	7,335	4,703	36,798	34,984
305	2,553	8	1,227	1,325	3,940	2,590	19,016	17,330
292	2,854	12	1,368	1,628	3,395	2,113	17,782	17,654
634	4,422	36	2,165	2,224	6,263	5,427	33,275	33,559
332	2,091	27	1,101	1,053	3,277	3,044	17,057	19,093
13	404	0	84	56	437	488	2,013	2,896
319	1,687	27	1,017	997	2,840	2,556	15,044	16,197
302	2,331	9	1,064	1,171	2,986	2,383	16,218	14,466
29	262	3	35	16	313	489	1,425	1,521
273	2,069	6	1,029	1,155	2,673	1,894	14,793	12,945
1,062	7,265	10	2,863	4,245	12,805	1,279	46,239	38,933
634	3,556	2	1,259	1,753	7,724	741	23,894	19,833
428	3,709	8	1,604	2,492	5,081	538	22,345	19,100
280	1,636	1	467	804	4,635	224	13,544	10,320
242	1,863	4	877	1,159	2,865	234	12,303	11,292
90	938	5	218	251	1,651	603	4,729	4,557
36	194	0	47	348	338	236	1,543	941

LIST OF COUNTIES IN ORDER OF % DECREASE OR INCREASE IN PENDING CRIMINAL CASES IN THE SUPERIOR COURT -- FISCAL 1976

County	Rank Last Year	Cases Pending at Start	Cases Filed During Year	Cases Disposed Of	Cases Pending at End	No. of Cases Gained or Lost Over Previous Year	% of Total Cases Disposed Of	% Increase or Decrease in Pending Cases		Superior Court Judge Days		Difference
								1976	1975	1976	1975	
Nantucket	14	26	20	36	10	-16	78%	-62%	+1,350%	5	17	-12
Worcester	1	2,003	4,703	5,427	1,279	-724	81%	-36%	-52%	603	594	+9
Essex	9	4,209	3,154	4,094	3,269	-940	56%	-22%	+19%	309	275	+34
Berkshire	5	692	564	639	617	-75	51%	-11%	-9%	58	77	-19
Barnstable	6	1,245	1,013	1,056	1,202	-43	47%	-3%	-4%	69	86	-17
Hampshire	8	1,099	597	634	1,062	-37	37%	-3%	+16%	90	86	+4
Suffolk	11	11,733	7,335	6,263	12,805	+1,072	33%	+9%	+32%	1,651	1,346	+305
Bristol	7	3,589	3,233	2,681	4,141	+552	39%	+15%	+15%	189	253	-64
Middlesex	10	6,280	5,407	4,422	7,265	+985	38%	+16%	+31%	938	865	+73
Norfolk	12	2,433	2,595	2,165	2,863	+430	43%	+18%	+73%	218	240	-22
Plymouth	2	3,516	2,953	2,224	4,245	+729	34%	+21%	-40%	251	273	-22
Hampden	4	5,671	4,816	3,378	7,109	+1,438	32%	+25%	-12%	300	396	-96
Dukes	13	52	116	82	86	+34	48%	+65%	+338%	15	10	+5
Franklin	3	168	292	174	286	+118	38%	+70%	-18%	33	38	-5
State Total		42,716	36,798	33,275	46,239	+3,523	47%	+8% average	+4% average	4,729	4,557	+172
								Does not include Dukes or Nantucket				

This chart ranks the 14 counties according to their success in reducing the number of pending criminal cases during Fiscal 1976. Essex County showed the most improvement, from ninth to third place, and Worcester continued its progress although not quite so dramatically as in 1975. Hampden appeared to pay for its first place on the civil side by plunging from fourth to twelfth on the criminal side. Unlike the civil side, the number of judge days appears directly related to progress. Essex had 34 more judge days and improved significantly; so did Suffolk and Middlesex. Plymouth had 22 fewer judge days and went from second to eleventh place. Hampden had 96 fewer criminal judge days with results already noted. (Nantucket is a beautiful island but otherwise defies description: from 17 to 5 judge days, but moving from last to first, with only ten cases pending on June 30, 1976.) Most disturbing is that 172 more Superior Court judge days and 602 District Court judge days were spent on the criminal side in 1976 than in 1975, but eight of the 14 counties fell further behind. Comparison of the total number of defendants awaiting trial shows 25,847 in 1976 (13,544 indicted and 12,303 appealing from district court convictions) as opposed to 21,612 in 1975 (10,320 indicted and 11,292 appealing), an increase of 4,235 defendants. The figures show everyone concerned with public safety the need to strengthen the resources and case management of the Superior Court.

THE CHANGE IN SUPERIOR COURT BUSINESS SINCE 1966

The following charts show how civil business has declined in most of the fourteen counties since 1966 and how criminal business has increased in all of them. Each county is analyzed as to cases at the start of 1966, cases entered in that year, cases disposed of in that year and cases at the end of 1966; each of these figures is then compared to the similar figure for 1976. Of most interest to me is the comparison of cases entered: in Suffolk, for example, 12,019 civil entries in 1966 have declined during the past ten years to 7,902 entries in 1976; criminal entries in the same time and place went from 5,557 to 7,335. The pattern is repeated in Bristol, Essex and Hampden, Middlesex, Norfolk and Worcester. In no county other than Nantucket did criminal business in 1977 measure less than in 1966, and in other counties increases of over 100% are not uncommon. Because dispositions have not kept up with entries (see the charts on pages 75 and 76), by the end of 1976 pending cases are often 500% higher than they were in 1966.

Barnstable County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	761	1,997	1,236	162%	107	1,245	1,138	1,064%
Entered	503	978	475	94%	550	1,013	463	84%
Disposed of	556	870	314	56%	517	1,056	539	104%
Pending at end	708	2,105	1,397	197%	140	1,202	1,062	758%

Berkshire County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	734	1,236	502	68%	330	692	362	110%
Entered	531	512	-19	-4%	241	564	323	134%
Disposed of	575	633	58	10%	267	639	372	139%
Pending at end	690	1,115	425	62%	304	617	313	103%

Bristol County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	3,337	3,224	-113	-3%	623	3,589	2,966	476%
Entered	2,124	1,771	-353	-17%	1,860	3,233	1,373	74%
Disposed of	2,006	2,374	368	18%	1,609	2,681	1,072	67%
Pending at end	3,455	2,621	-834	-24%	874	4,141	3,267	374%

Dukes County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	30	118	88	293%	3	52	49	1,633%
Entered	14	58	44	314%	28	116	88	314%
Disposed of	6	32	26	433%	28	82	54	193%
Pending at end	38	144	106	279%	3	86	83	276%

Essex County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	4,760	9,884	5,124	108%	620	4,209	3,589	579%
Entered	3,604	2,890	-714	-20%	1,615	3,154	1,539	95%
Disposed of	3,688	3,227	-461	-13%	1,495	4,094	2,599	174%
Pending at end	4,676	9,547	4,871	104%	740	3,269	2,529	342%

Franklin County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	371	303	-68	-18%	34	168	134	394%
Entered	159	161	2	1%	103	292	189	184%
Disposed of	171	184	13	8%	75	174	99	132%
Pending at end	359	280	-79	22%	62	286	224	361%

Hampden County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	5,137	4,807	-330	-6%	942	5,671	4,729	502%
Entered	2,693	1,609	-1,084	-40%	1,396	4,816	3,420	245%
Disposed of	2,262	2,633	351	15%	1,254	3,378	2,124	169%
Pending at end	5,548	3,783	1,765	32%	1,084	7,109	6,025	556%

Hampshire County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	566	660	94	16%	178	1,099	921	517%
Entered	309	342	33	11%	248	597	349	141%
Disposed of	331	284	-47	-14%	271	634	363	134%
Pending at end	544	718	174	32%	155	1,062	907	585%

Middlesex County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	12,127	22,334	10,207	84%	674	6,280	5,606	832%
Entered	9,415	6,704	-2,711	-29%	2,547	5,407	2,860	112%
Disposed of	7,949	10,500	2,551	32%	2,175	4,422	2,247	103%
Pending at end	13,593	18,538	4,945	36%	1,046	7,265	6,219	595%

Nantucket County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	11	0	-11	-1,100%	0	26	26	2,600%
Entered	3	40	37	1,233%	22	20	-2	-9%
Disposed of	9	11	2	22%	18	36	18	100%
Pending at end	5	29	24	480%	4	10	6	150%

Norfolk County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	4,689	7,527	2,838	61%	1,091	2,433	1,342	123%
Entered	3,295	3,140	-155	-5%	1,718	2,595	877	51%
Disposed of	3,245	2,471	-774	-24%	1,386	2,165	779	66%
Pending at end	4,739	8,196	3,457	73%	1,423	2,863	1,440	101%

Plymouth County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	2,697	7,000	4,303	160%	855	3,516	2,661	311%
Entered	1,795	1,867	72	4%	2,386	2,953	567	24%
Disposed of	1,539	1,575	36	2%	1,695	2,224	529	31%
Pending at end	2,953	7,292	4,339	147%	1,546	4,245	2,699	175%

Suffolk County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	22,668	29,405	6,737	30%	1,667	11,733	10,066	604%
Entered	12,019	7,902	-4,117	-34%	5,557	7,335	1,778	32%
Disposed of	11,614	5,282	-6,332	-54%	5,153	6,263	1,110	22%
Pending at end	23,073	32,025	8,952	39%	2,071	12,805	10,734	518%

Worcester County

	CIVIL				CRIMINAL			
	1966	1976	Inc./Dec.	%Inc./Dec.	1966	1976	Inc./Dec.	%Inc./Dec.
At start	4,289	4,796	507	12%	584	2,003	1,419	243%
Entered	4,717	3,111	-1,606	-34%	2,375	4,703	2,328	98%
Disposed of	4,844	3,285	1,559	-32%	2,313	5,427	3,114	135%
Pending at end	4,162	4,622	460	11%	646	1,279	633	98%

COMPARISON OF POPULATION -- CASELOAD -- AND JUDGE TIME IN THE SUPERIOR COURTS

County	Population	% of State Total	New Entries Criminal	% of State Total	No. of Criminal Judge Days	% of State Total	New Entries Civil	% of State Total	No. of Civil Judge Days	% of State Total
Barnstable	126,481	2.0 %	1,013	3.0 %	112	2.0 %	978	3.0 %	77	2.0 %
Berkshire	148,069	3.0 %	564	2.0 %	93	2.0 %	512	2.0 %	104	2.0 %
Bristol	461,852	8.0 %	3,233	9.0 %	222	4.0 %	1,771	6.0 %	297	7.0 %
Dukes	7,951	.13%	116	.32%	15	.24%	58	.19%	15	.33%
Essex	631,627	11.0 %	3,154	9.0 %	485	8.0 %	2,890	9.0 %	490	11.0 %
Franklin	63,420	1.0 %	292	.08%	50	.08%	161	.52%	40	.88%
Hampden	461,659	8.0 %	4,816	13.0 %	340	5.0 %	1,609	5.0 %	222	5.0 %
Hampshire	122,729	2.0 %	597	2.0 %	126	2.0 %	342	1.0 %	28	.62%
Middlesex	1,379,524	24.0 %	5,407	15.0 %	1,132	18.0 %	6,704	22.0 %	1,029	23.0 %
Nantucket	5,559	.09%	20	.05%	5	.08%	40	.13%	5	.11%
Norfolk	620,346	11.0 %	2,595	7.0 %	265	4.0 %	3,140	10.0 %	296	7.0 %
Plymouth	377,500	7.0 %	2,953	8.0 %	599	10.0 %	1,867	6.0 %	242	5.0 %
Suffolk	724,703	13.0 %	7,335	20.0 %	1,989	32.0 %	7,902	25.0 %	1,351	30.0 %
Worcester	640,058	11.0 %	4,703	13.0 %	839	13.0 %	3,111	10.0 %	333	7.0 %
TOTAL	5,789,478		36,798		6,272		31,085		4,529	

Under G.L.c. 212, § 2, the Chief Justice of the Superior Court is authorized to assign the 45 judges to civil and criminal sessions in the 14 counties. This chart shows the wisdom of this statute and the efforts of Chief Justice McLaughlin and his office to match court resources to incoming work. About 60% of judge time was spent on criminal business; in all but Bristol, Hampden and Suffolk counties the ratio of time to entries is almost identical. Civil assignments also reflect the amount of work being filed, with the possible exception of Suffolk County. The chart on p. 71 shows the comparative ability of each county to keep up with its entries and to reduce its pending cases. As noted there, the number of judge days appears to have more effect on reducing criminal pending cases than on the civil side.

APPELLATE DIVISION OF THE SUPERIOR COURT

(Statistics Reported for the Period July 1, 1975 through June 30, 1976)

Sentences

As of June 30, 1975 Appeals were pending for review of	431
During the period of July 1, 1975 to June 30, 1976 Appeals were entered for the review of	710
Total	1,141
Appeals were withdrawn as to	227
Appeals became moot as to	4
Appeals were dismissed as to	256
Sentences reduced	41
Sentences increased	1
Appeals pending on June 30, 1976 as to	612
Total	1,141

The 612 cases shown as pending on June 30, 1976 include 323 cases which have, at the request of the Appellants, been removed from the hearing list until the Appellant moves to restore thereto.

The statutory function of the Appellate Division is to hear appeals on the length of sentences and to determine whether to reduce, increase or affirm the sentence appealed. Three justices of the Superior Court comprise the Appellate Division, which in Fiscal 1976 was in session 18 days.

LAND COURT

(Comparison Three Years - July 1, 1973-June 30, 1976)

	73-74	74-75	75-76
Land Registration	445	390	340
Land Confirmation	70	44	50
Land Registration, Sub	1,579	1,396	1,581
Tax Lien	1,221	1,365	1,292
Equity and Misc.	3,733	4,169	4,436
Total Entered	7,048	7,364	7,699
Decree Plans Made.	435	412	308
Subdivision	795	927	608
Total Plans Made.	1,230	1,339	916

Cases Disposed of by Final Order, Decree or Judgment Before Hearing

Land Registration	610a	384d	318 g
Land Confirmation	70	44	40
Land Registration, Sub	1,458	1,429	1,560
Tax Lien	1,242b	1,133e	1,015 h
Equity and Misc.	6,690c	3,033f	2,602 i
Total Cases Disposed of.	10,070	6,023	5,535

Cases Pending Before the Court as of June 30, 1976

Land Registration	1,862
Tax Lien	3,056
Land Registration, Subsequent Petitions.	109
Equity and Miscellaneous	6,029
Total Cases Pending as of June 30, 1976.	11,056

- Includes 242 cases dismissed under Rule 85.
- Includes 249 cases dismissed under Rule 85.
- Includes 4,813 cases dismissed under Rule 85.
- Includes 31 cases dismissed under Rule 31 of the Superior Court (1974). See Rule 6 of the Land Court Rules.
- Includes 24 cases dismissed under Rule 31.
- Includes 912 cases dismissed under Rule 31.
- Includes 35 cases dismissed under Rule 31.
- Includes 15 cases dismissed under Rule 31.
- Includes 850 cases dismissed under Rule 31.

ANNUAL STATISTICS
JULY 1, 1975 - JUNE 30, 1976

	BAENSTABLE	BERKSHIRE	BRISTOL	DUKES	ESSEX	FRANKLIN	HAMPDEN	HAMPSHIRE	MIDDLESEX	NANTUCKET	NORFOLK	PLYMOUTH	SUFFOLK	WORCESTER	TOTALS
1. <u>Original Entries</u>															
All petitions, libels, accts & complaints (f)*	3439	6314	7586	379	12694	1645	7034	2522	21347	208	12868	6520	14379	10918	107,853
2. <u>Probate Decrees</u>															
Administrations (f)*	163	446	539	32	1335	190	1213	149	1591	30	1645	885	1949	1712	11,879
Administrations (a)**	149	194	1122	22	828	101	1138	117	1695	7	851	874	1530	891	9,519
Wills (f)	662	503	1151	78	1828	65	1029	278	2892	39	1784	879	1529	1441	14,158
Wills (a)	612	391	876	66	1452	185	741	216	2975	38	1598	736	1271	1385	12,542
Trusteeships (f)	46	40	57	3	146	8	53	13	289	3	180	39	115	86	1,078
Trusteeships (a)	36	35	81	2	149	10	53	14	305	3	172	37	101	94	1,092
Guardianships (minor) (f)	36	41	102	3	135	20	215	44	174	1	153	95	254	144	1,417
Guardianships (minor) (a)	50	38	111	4	119	19	152	24	219	6	155	99	243	142	1,381
Guardianships (men. ill) (f)	30	14	70	1	142	8	67	41	210	1	145	74	136	79	1,018
Guardianships (men. ill) (a)	14	9	55	2	37	8	34	10	195	0	85	61	117	72	699
Accounts & Distributions (f)	888	976	1120	93	2951	500	2223	566	5784	45	3574	1068	4487	2315	26,590
Accounts & Distributions (a)	596	1221	997	57	2674	474	1850	486	2841	40	3577	1064	3701	1736	21,314
Partitions (f)	14	9	42	7	51	3	12	9	37	1	27	38	22	38	310
Partitions (a)	6	2	35	5	8	2	15	4	22	0	23	15	15	3	155
Real estate sales (f)	170	131	319	17	514	65	279	114	911	12	429	259	302	416	3,938
Real estate sales (a)	158	121	364	12	477	64	260	69	875	11	405	307	360	415	3,898
3. <u>Equitable Relief</u>															
Complaints (f)	58	47	96	8	201	23	87	43	338	9	189	147	143	70	1,459
Preliminary Injunctions (i)***	1	8	17	1	32	15	10	5	111	4	68	48	0	8	328
Temp. Restraining Orders (i)	9	18	26	0	77	60	22	11	127	4	66	36	0	22	478
Default Judgments	0	10	10	0	5	0	3	0	52	0	5	5	0	3	93
Final Judgments after hearing	5	16	36	1	71	7	58	17	53	5	273	39	94	13	688

* filed

** allowed

ANNUAL STATISTICS

July 1, 1975 - June 30, 1976

(continued)

	BARNSTABLE	BERKSHIRE	BRISTOL	DUKES	ESSEX	FRANKLIN	HAMPDEN	HAMPSHIRE	MIDDLESEX	NANTUCKET	NORFOLK	PLYMOUTH	SUFFOLK	WORCESTER	TOTALS
4. <u>Sep. Support & Maintenance</u>															
Petitions (f)	79	35	662	4	801	8	109	9	1131	2	631	585	614	296	4,966
Temp. orders of support (a)	29	18	839	2	722	0	32	9	497	0	503	526	529	107	3,813
Modifications (a)	18	18	48	0	0	0	3	0	42	4	12	5	28	6	184
Contempt petitions (f)	31	2	84	0	138	0	18	2	103	0	145	113	215	59	910
Sep. Sup. petitions (a)	77	5	41	0	15	2	29	3	51	0	56	15	144	76	514
Sep. Sup. petitions (d)*	51	25	333	2	414	0	12	2	282	0	294	456	550	145	2,566
5. <u>Desertions & living apart (f)</u>	0	1	46	0	3	0	0	20	0	1	0	0	0	0	71
Desertions & living apart (a)	0	1	1	0	0	0	1	3	0	1	0	0	0	0	7
6. <u>Custody of Minors</u>															
Petitions (f)	38	8	35	0	92	3	14	3	2	1	12	18	54	23	303
Petitions (a)	16	6	4	0	12	3	5	1	3	1	6	8	70	2	137
7. <u>Divorce</u>															
Original entries	725	738	1944	50	2296	360	2128	579	5464	42	1915	1921	2300	3021	23,483
Decrees nisi	581	636	1473	38	1831	299	1832	388	3947	31	1487	1298	2124	2146	18,111
Libels (d)	72	61	173	7	155	37	191	25	476	3	185	149	155	224	1,913
Temp. orders of sup. (a)	200	158	1586	12	774	103	1339	215	2205	1	732	1270	2025	595	11,215
Modifications (a)	75	161	213	6	95	38	458	39	307	4	279	113	231	361	2,380
Irr. Breakdown 208 § 1A (f)	22	7	44	1	109	14	29	12	241	6	52	53	87	28	705
Irr. Breakdown 208 § 1A (a)	10	0	25	1	52	0	15	0	142	4	30	0	23	0	302
Irr. Breakdown 208 § 1B (f)	4	3	57	0	206	0	13	0	121	0	16	27	46	5	498
Irr. Breakdown 208 § 1B (a)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Contempt petitions (f)	150	53	296	18	347	49	497	58	1323	16	651	462	393	970	5,283
Dismissals under Rule 48	91	65	171	6	354	30	311	50	861	7	178	247	425	534	3,330
8. <u>Adoptions</u>	91	42	368	11	360	32	271	39	723	10	289	271	375	414	3,296

* dismissed

STATISTICS FOR THE DISTRICT COURTS OF MASSACHUSETTS FOR THE YEAR ENDING JUNE 30, 1976,
AS REPORTED BY THE CLERKS OF SAID COURTS
Compiled by the Administrative Office of the District Courts

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
DISTRICT COURTS arranged in accordance with 1975 CENSUS	Total Civil Complaints Entered	Trials Less Summary Process	Summary Process Entered (Included in Column 1)	Summary Process Tried	Removals to Superior Court	Reported to Appellate Divisions	Reported to Supreme Judicial Court	Supplementary Process Entered	Small Claims Entered	Total Criminal Complaints (Except Parking Complaints)	Narcotics - Harmful Drugs, Etc.	Gaming and/or Lottery Cases	Operating Under Influence of Intoxicating Liquor	Operating Under Influence of Drugs	Operating so as to Endanger	Using Without Authority and Larceny of Motor Vehicle	All Other Motor Vehicle Complaints (except Parking)
1 Quincy	4,776	316	613	185	141	5	0	1,560	7,020	20,689	706	6	845	5	581	303	14,109
2 Springfield	3,528	174	239	16	69	13	0	2,235	5,820	30,229	763	102	645	5	221	153	21,273
3 Worcester	5,327	149	868	122	71	1	0	1,815	4,305	46,406	507	41	323	3	184	205	32,874
4 Malden	3,152	112	467	115	125	3	1	1,185	3,834	13,696	229	4	425	7	228	190	9,701
5 Lowell	3,191	99	1,025	1,011	65	0	0	984	6,684	16,583	293	10	535	4	208	158	10,403
6 East Cambridge	3,027	294	658	105	116	9	2	805	3,225	19,736	355	7	265	8	188	254	14,624
7 New Bedford	2,071	225	465	128	80	1	0	2,430	5,195	15,462	422	60	413	4	310	110	8,120
8 Woburn	2,082	232	263	77	107	6	1	1,333	3,388	13,740	231	9	467	9	208	126	10,273
9 Fall River	1,625	162	240	55	104	4	1	299	2,309	12,780	165	3	205	6	445	76	7,323
10 Brockton	2,524	213	778	221	124	3	1	879	2,423	17,875	384	6	627	12	328	136	12,272
11 Dorchester	2,749	210	1,265	79	85	3	0	1,370	2,516	11,365	421	85	146	2	219	189	7,198
12 Lynn	2,289	139	461	240	43	7	1	723	2,823	13,730	229	10	376	7	254	134	9,126
13 Lawrence	2,238	377	566	439	59	0	0	419	1,990	12,619	241	22	489	27	172	191	5,679
14 Dedham	1,550	67	50	19	55	0	0	876	1,627	11,206	132	0	188	5	258	59	9,098
15 Salem	2,068	495	326	84	56	0	0	631	2,251	14,077	150	3	576	6	179	80	10,777
16 Framingham	2,307	81	427	51	106	2	2	1,138	2,235	23,219	335	3	502	4	209	63	18,884
17 West Roxbury	872	52	335	86	18	0	0	767	2,140	16,396	366	181	295	4	263	347	5,963
18 Northampton	916	67	341	64	42	6	1	95	2,255	11,314	70	5	305	2	203	92	7,646
19 Concord	1,064	99	166	42	49	1	1	508	1,354	16,101	296	0	407	11	267	44	12,864
20 Waltham	2,182	236	175	55	105	3	0	506	1,894	21,542	148	25	234	7	159	41	17,764
21 Wrentham	827	75	145	52	18	0	0	450	1,799	13,609	245	16	381	0	303	72	10,224
22 Plymouth	1,104	278	260	58	19	2	0	563	1,634	11,949	148	0	507	4	387	132	7,776
23 Roxbury	1,851	63	1,342	187	21	1	0	806	1,328	14,850	735	227	187	2	202	333	8,444
24 Newton	1,393	121	61	28	69	0	0	408	1,401	9,613	107	0	157	6	59	43	7,087
25 Taunton	1,296	27	251	45	33	0	0	309	1,182	7,572	172	0	249	3	431	74	4,303
26 Barnstable	2,514	96	185	13	69	3	1	625	3,620	15,871	403	33	732	9	357	60	10,265
27 Hingham	1,172	134	143	96	24	1	0	545	1,386	11,434	182	0	501	6	373	57	7,758
28 Somerville	1,027	94	272	70	0	0	0	467	1,517	3,822	12	1	52	1	20	23	2,404
29 Pittsfield	821	33	173	126	58	0	0	152	1,330	6,808	92	1	170	2	185	32	3,912
30 Attleboro	813	110	163	44	41	1	0	284	1,620	8,411	89	0	342	9	628	66	4,979
31 Brighton	898	49	423	36	15	0	0	331	957	6,286	168	30	81	8	74	52	4,424
32 Chelsea	1,126	119	325	95	44	0	0	505	1,542	7,297	368	30	228	4	308	139	3,858
33 Westborough	554	69	132	108	6	0	0	246	1,011	22,054	282	2	166	1	126	76	19,543
34 Haverhill	1,011	148	252	147	16	12	2	734	2,385	5,305	94	33	174	0	75	41	3,037
35 Stoughton	875	157	64	45	76	2	0	359	997	7,160	199	0	274	3	329	45	5,150
36 Dudley	714	45	96	62	11	0	0	176	1,385	16,536	249	3	195	2	89	83	14,001
37 Palmer	151	17	15	9	2	0	0	82	684	7,228	123	44	243	3	111	33	5,907
38 East Boston	521	47	147	22	22	0	0	410	1,313	4,137	172	38	43	3	48	83	2,291
*39 Chicopee	118	97	21	18	0	0	0	130	795	4,737	67	0	176	6	66	26	994
40 Peabody	826	69	172	46	13	7	0	533	1,102	7,763	91	14	302	5	145	45	5,770
41 Ayer	400	22	94	9	4	0	0	231	1,185	12,345	171	0	326	2	234	42	9,403
42 Greenfield	424	61	117	30	18	1	0	643	1,404	8,784	152	0	128	1	117	28	6,396
43 Brookline	1,259	109	162	36	24	1	0	324	1,022	3,328	106	0	57	1	28	36	1,469
44 Fitchburg	1,094	82	161	124	9	0	0	295	1,799	6,211	121	3	249	3	150	49	4,490
45 Wareham	631	12	140	24	15	1	0	232	1,624	9,317	233	16	340	5	383	16	6,232
46 Marlborough	735	42	266	58	3	0	1	194	1,086	8,288	166	5	135	1	91	19	6,313
47 Holyoke	158	21	6	4	18	0	0	53	632	8,041	312	14	256	6	68	8	6,248
48 Westfield	249	16	50	19	10	3	0	78	828	6,883	110	15	126	2	175	25	5,420
49 Gardner	333	9	94	10	5	0	0	286	838	6,391	156	5	229	2	73	40	4,605
50 Orleans	660	53	37	12	14	0	0	269	1,529	7,215	456	6	381	6	172	24	2,767
51 Uxbridge	137	32	30	20	14	0	0	207	441	3,808	55	0	58	0	22	5	2,632
52 Leominster	298	12	86	69	6	0	0	324	880	4,947	90	6	224	1	46	28	3,182
53 Clinton	208	20	54	15	1	0	0	300	527	8,518	76	6	87	1	83	32	7,327
54 Milford	986	177	219	128	36	0	0	166	626	5,287	179	52	143	0	105	21	3,591
55 South Boston	419	9	189	12	3	0	0	224	582	3,173	76	47	70	0	82	87	1,586
56 Newburyport	407	17	67	32	7	0	0	90	624	4,813	20	0	198	2	146	33	3,460
57 Natick	380	19	37	14	12	0	0	124	530	2,898	42	0	55	0	56	21	1,841
*58 East Brookfield	190	23	36	8	3	0	0	92	525	3,094	86	0	76	0	42	13	2,207
59 Amesbury	261	56	157	104	3	0	0	60	353	4,809	73	0	204	1	58	16	3,550
*60 North Adams	210	5	76	3	2	0	0	331	946	1,547	0	0	98	0	54	18	487
*61 Great Barrington	191	6	9	5	1	0	0	24	514	2,456	16	0	45	0	30	6	2,194
62 Lee	162	0	18	5	6	0	0	26	376	4,239	8	0	53	0	51	4	3,712
63 Charlestown	273	12	120	23	23	1	0	129	376	1,248	18	7	22	0	22	30	658
64 Gloucester	607	327	201	156	8	1	0	174	953	6,176	485	3	475	6	315	57	2,832
65 Adams	102	43	10	10	0	0	0	15	368	1,209	11	2	51	0	63	6	712
*66 Ipswich	99	3	6	5	5	0	0	41	237	739	18	0	32	1	25	5	481
*67 Orange	50	10	21	11	2	0	0	137	266	1,147	84	0	31	0	44	11	732
*68 Ware	83	7	25	11	5	0	0	19	168	562	9	2	31	0	12	1	360
*69 Williamstown	40	18	3	3	1	0	0	1	219	1,044	7	0	8	0	24	2	874
*70 Edgartown	194	10	3	0	3	1	0	121	626	2,073	82	6	78	2	54	13	1,332
71 Winchendon	26	3	5	3	0	0	0	17	175	574	61	0	23	1	15	11	245
*72 Nantucket	107	7	5	3	3	0	0	20	202	423	1	0	18	0	18	3	215
TOTALS	80,523	6,890	16,874	5,461	2,459	105	15	33,920	116,737	692,954	13,921	1,249	17,735	259	12,258	5,176	475,651
Change from FY 75	+9%	-18%	+16%	+20%	-34%	-4%	+67%	-2%	+5%	+13%	-9%	+13%	+9%	-9%	-6%	-2%	+17%

* Indicates a Court with a part-time Justice.
† Reported this year for the first time.

STATISTICS FOR THE DISTRICT COURTS OF MASSACHUSETTS FOR THE YEAR ENDING JUNE 30, 1976,
AS REPORTED BY THE CLERKS OF SAID COURTS
Compiled by the Administrative Office of the District Courts

18	19	20	21	22	23	24	25	26†	27	28	29	30	31	32	33	34	35	36	37	
Criminal Parking Complaints	All Other Criminal Complaints	Criminal Appeals	Juvenile Drug Complaints	All Other Juvenile Complaints	"CHINS" Petitions	Neglected Children	Commitments of Mentally Ill	Petitions for Compensation of Victims of Violent Crimes	Parking Tickets Returned	Neglect of Family Non-Support		Uniform Reciprocal Enforcement of Support Act G.L.c. 273A		Remand or Transfer Cases, Acts 1958, c. 358						
										Number of New Cases	Amount of Money Collected	Cases Initiated	Cases Received from Other States	Amount of Money Collected	Cases Received	Cases Tried	Cases Retransferred to Superior Court after Trial	Dispositions: Agreements, Trials, Defaults, Dismissals, Settlements, Etc.		Cases Pending as of June 30, 1976
2,163	4,134	384	34	1,422	14	3	27	18	44,199	72	43,837.00	59	104	185,184.97	104	34	18	208	244	1
61,299	7,067	702	-	-	-	-	147	8	97,117	104	237,421.24	36	109	240,670.41	152	67	43	190	133	2
34,035	12,269	745	-	-	-	-	92	16	115,658	56	73,843.12	43	51	173,204.65	350	209	98	948	822	3
34,200	2,912	345	29	879	70	16	1	11	102,297	112	141,990.11	19	31	93,180.75	294	141	17	267	244	4
2,509	4,972	261	22	1,444	107	86	73	11	47,319	149	465,633.23	39	47	244,561.33	143	31	10	137	186	5
44,400	4,035	808	13	950	48	42	126	0	425,175	74	73,497.43	27	24	153,438.81	87	51	15	97	61	6
8,134	6,023	381	-	-	-	-	60	4	24,037	83	107,954.78	31	34	122,274.90	94	12	2	96	112	7
3,489	2,417	349	38	842	51	13	58	2	7,126	48	190,598.09	28	19	143,822.17	127	52	25	128	32	8
12,968	4,557	118	-	-	-	-	36	7	47,943	67	195,140.92	104	48	116,739.55	104	10	7	57	391	9
15,435	4,110	360	52	1,308	87	37	318	8	26,040	32	71,820.22	33	22	95,342.62	111	16	3	71	232	10
0	3,105	292	18	1,280	14	41	6	42	21,508	133	306,389.75	17	71	137,284.80	111	86	32	149	77	11
29,245	3,594	822	21	835	87	18	20	3	59,073	93	69,829.43	17	37	72,686.27	53	25	6	58	22	12
21,767	5,798	601	33	897	69	52	21	2	39,654	52	82,835.25	17	40	112,028.67	31	11	5	27	67	13
2,396	1,466	196	18	455	35	4	109	7	25,299	6	36,202.60	17	10	96,749.25	77	20	13	86	47	14
5,690	2,306	128	3	761	89	14	25	2	15,707	33	92,391.89	14	27	78,379.29	31	9	1	20	163	15
1,337	3,219	222	38	639	34	35	52	1	9,396	253	199,676.49	15	42	114,129.12	90	22	13	103	20	16
8,467	8,977	326	112	1,364	102	26	27	24	33,275	54	62,617.33	17	29	70,974.27	59	10	3	61	137	17
6,100	2,991	347	26	699	48	9	44	5	36,054	15	35,228.32	26	22	112,798.23	25	4	4	30	2	18
3,034	2,212	394	30	729	26	21	9	4	11,769	12	79,847.74	24	15	94,748.37	49	21	3	49	1	19
2,259	3,164	267	10	624	42	11	100	11	54,980	25	16,760.00	10	19	52,073.00	113	29	24	88	199	20
56	2,368	261	43	931	88	7	65	1	3,800	42	78,965.61	30	36	88,378.04	36	10	66	18	10	21
523	2,995	278	15	964	43	5	8	1	6,375	11	60,513.50	12	30	67,608.55	53	9	6	59	20	22
84,400	4,720	373	-	-	-	-	70	38	74,220	46	124,946.37	52	17	186,184.23	34	4	2	17	81	23
389	2,154	116	1	317	12	2	21	4	31,376	10	16,053.00	39	45	48,641.22	103	14	8	89	83	24
2,311	2,500	180	-	-	-	-	41	3	9,528	3	4,115.00	13	27	58,521.35	56	8	4	34	55	25
761	4,012	294	22	1,104	46	11	26	4	11,221	6	31,956.00	10	14	116,301.87	58	14	3	43	19	26
4,238	2,557	295	15	989	12	2	34	6	2,673	26	124,875.26	40	20	108,372.70	53	91	4	102	86	27
20,495	1,309	149	2	196	32	3	8	17	74,680	3	61,707.50	58	65	43,657.61	81	25	6	164	76	28
6,729	2,414	81	12	455	23	19	0	0	59,863	115	593,226.46	21	22	65,864.65	37	3	0	8	26	29
2,270	2,298	99	-	-	-	-	21	1	6,620	27	98,018.04	15	8	62,216.20	41	7	4	38	21	30
52,538	1,449	66	8	283	11	5	17	8	113,415	31	66,281.00	11	15	28,582.50	28	9	7	32	23	31
3,630	2,362	474	36	701	31	26	0	9	13,830	48	194,466.71	16	22	29,238.75	59	24	2	68	257	32
802	1,858	283	35	499	9	0	54	0	2,275	12	76,307.35	14	7	91,441.95	63	43	12	57	67	33
240	1,851	40	29	549	18	12	12	3	272	46	74,440.00	19	24	63,691.76	14	13	4	24	8	34
373	1,160	128	34	624	69	4	0	1	710	14	55,222.50	4	16	43,344.35	32	21	0	20	44	35
137	1,914	283	14	522	26	17	3	0	3,040	218	142,156.58	38	26	97,662.08	49	28	5	43	39	36
282	764	148	15	507	20	1	21	1	541	21	45,129.50	23	19	50,315.97	81	22	15	170	106	37
36,558	1,459	422	10	304	23	28	10	7	90,691	147	88,029.07	23	7	43,279.05	29	7	5	35	45	38
0	3,402	53	18	382	6	6	4	0	832	16	32,925.24	43	28	40,730.44	3	1	0	0	2	39
1,533	1,391	121	6	376	22	1	2	0	2,109	6	38,601.58	4	5	44,350.57	34	11	1	33	10	40
0	2,167	220	17	564	38	21	0	0	0	74	83,412.00	30	30	100,928.59	26	4	20	27	4	41
1,028	1,962	114	21	484	45	20	0	1	5,446	13	26,829.00	38	24	60,126.34	1	4	1	11	7	42
10,388	1,631	56	0	177	7	0	2	3	108,246	15	16,895.00	12	11	41,230.98	54	14	7	80	25	43
635	1,146	181	18	422	63	22	0	1	26,086	53	139,366.98	28	15	39,326.69	44	72	10	120	80	44
0	2,092	220	14	786	31	4	22	2	2,307	18	34,491.67	11	12	37,259.22	28	6	4	47	8	45
599	1,558	95	18	325	18	15	12	0	22,104	19	77,099.50	27	17	98,679.91	20	15	0	28	4	46
10,501	1,129	397	15	469	49	0	4	2	11,764	21	113,640.16	27	12	48,051.00	38	14	7	44	2	47
693	1,010	54	14	331	22	4	0	1	5,110	3	21,393.50	12	27	37,604.25	96	28	14	160	215	48
239	1,281	324	12	259	34	16	40	1	10,608	33	11,025.00	3	15	19,972.37	15	2	1	8	7	49
1,162	3,403	333	71	341	15	2	14	2	10,206	15	21,894.00	16	22	85,611.04	23	5	1	32	14	50
258	1,036	68	14	229	28	4	0	1	2,279	40	35,992.49	52	21	36,529.43	20	10	4	21	35	51
282	1,370	149	9	440	58	8	1	0	3,040	48	127,684.40	13	9	36,636.50	27	0	0	6	23	52
0	906	84	8	370	22	5	4	1	2,050	63	71,242.09	19	16	59,458.98	20	4	1	17	27	53
594	1,196	79	3	259	6	5	7	0	9,120	28	43,129.45	8	15	37,171.70	33	12	6	24	48	54
10,602	1,225	96	1	330	18	28	0	14	7,395	175	84,645.00	5	10	8,582.50	11	5	3			

COMPARISON OF POPULATION AND CASELOAD IN THE DISTRICT COURTS

	Population		Total Civil Writs Entered		Small Claims Entered		General Criminal*		All Other Criminal**		Criminal Parking	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Barnstable	126,481	2.0 %	3,174	3.0 %	5,149	4.0 %	7,415	4.0 %	15,671	3.0 %	1,923	.20%
Berkshire	148,069	3.0 %	1,526	1.0 %	3,753	3.0 %	4,373	2.0 %	12,930	2.0 %	7,548	.79%
Bristol	461,852	8.0 %	5,805	5.0 %	10,306	9.0 %	15,378	9.0 %	29,007	5.0 %	25,683	3.0 %
Dukes	7,951	.14%	194	.18%	626	.53%	506	.29%	1,567	.29%	1,446	.15%
Essex	631,627	11.0 %	9,806	9.0 %	12,718	11.0 %	18,981	11.0 %	51,050	9.0 %	58,943	6.0 %
Franklin	63,420	1.0 %	474	.44%	1,670	1.0 %	2,207	1.0 %	7,724	1.0 %	1,028	.11%
Hampden	461,659	8.0 %	4,204	4.0 %	8,759	7.0 %	13,372	8.0 %	43,746	8.0 %	72,775	8.0 %
Hampshire	122,729	2.0 %	999	1.0 %	2,423	2.0 %	3,138	2.0 %	8,738	2.0 %	6,100	.63%
Middlesex	1,397,524	24.0 %	20,940	20.0 %	28,333	24.0 %	31,002	18.0 %	130,581	24.0 %	113,290	12.0 %
Nantucket	5,559	.10%	107	.10%	202	.17%	168	.10%	255	.05%	693	.07%
Norfolk	620,346	11.0 %	9,287	9.0 %	12,465	10.0 %	10,759	6.0 %	45,233	8.0 %	15,376	2.0 %
Plymouth	377,500	7.0 %	5,431	5.0 %	7,067	6.0 %	11,754	7.0 %	38,821	7.0 %	20,196	2.0 %
Suffolk	724,703	13.0 %	8,709	8.0 %	10,754	9.0 %	23,788	13.0 %	40,964	8.0 %	198,025	21.0 %
BMC			26,598	25.0 %	2,073	2.0 %	9,799	6.0 %	13,301	2.0 %	401,068	42.0 %
Worcester	640,058	11.0 %	9,867	9.0 %	12,512	11.0 %	23,864	14.0 %	99,962	19.0 %	37,026	4.0 %
TOTAL	5,789,478		107,121		118,810		176,504		539,550		961,120	

This chart contains a brief analysis of the workload of the District Courts. The entries of all District Courts within the county (including the Boston Municipal Court in Suffolk County) have been added together to obtain a county total. For example, the District Courts in Worcester County, which has 11% of the state's population had 9% of the state's total civil writs filed, 11% of the total small claims cases, 14% of the more serious criminal complaints and 4% of the state's total criminal parking complaints. Sixty percent of the state's total criminal parking complaints were filed in Suffolk County; of this sixty per cent 44% were filed in the Boston Municipal Court.

DISTRICT COURT APPELLATE DIVISION

The Appellate Division of the District Courts hears appeals on questions of law arising in certain civil cases in the District Courts. The Appellate Division also hears petitions to establish reports, appeals for claims for compensation of victims of violent crime, motions to consolidate for trial actions pending in two or more District Courts and certain other motions.

During fiscal 1976, there were 105 entries in the Appellate Division, a decrease from 195 in FY 75. The total number of matters disposed of by opinion increased from 82 in FY 75 to 90 in FY 76. This number does not include decisions on uncontested motions to consolidate, motions to dismiss or other motions, or cases entered in the Appellate Division but settled either before or after hearing. The average time from hearing to the rendering of an opinion in the above listed cases was 5.5 months an increase of 6 months over the 4.9 months average in FY 75.

The Appellate Division is divided into three geographical districts, with five District Court Judges appointed to each and a rotating panel of three of these five judges sitting roughly once each month in each district.

BOSTON MUNICIPAL COURT

Civil Business

	1974	1975	1976
Actions entered	22,051	22,186	26,598
Actions removed to Superior Court	949	819	502
Net entries after removal	21,102	21,367	26,096
Actions defaulted	12,557	12,329	12,245
Trials	2,936	2,562	2,058

Small Claims Division

Supplementary Process:			
Cases entered	1,417	1,297	1,550
Small claims entered	1,770	2,365	2,073
Reciprocal support cases entered	220	187	190
Total Small Claims Cases	3,407	3,849	3,813
Total civil entries	24,509	25,216	29,909
Transferred from Superior Court	820	734	630

Criminal Business

Complaints granted by the Court:

Automobile Violations	9,884	8,481	13,191
Domestic Relations	137	115	110
Pedestrian Violations	90	0	0
*Other Criminal Cases	9,971	10,638	9,799
Total	20,082	19,234	23,100
Net Arrested, Pending Trial	7,433	7,932	7,426

Trials by the Court:

Pleaded Guilty	6,691	5,386	7,391
Pleaded Not Guilty	5,958	5,916	8,283
Total	12,649	11,302	15,674

Dispositions of complaints tried by the Court:

Placed on file, dismissed, etc.	2,105	2,340	2,405
Defendants Acquitted	1,050	1,167	1,179
Bound over to Grand Jury	671	721	643
Placed on Probation (not including surrenders)	2,240	1,903	1,530
Defendants Fined	5,439	3,616	8,597
Fines Appealed	286	273	265
Imprisonments	135	152	213
Imprisonments Appealed	723	1,080	607
Probation Appealed	—	20	35
Imprisonment Probation Appealed	—	17	194
Finding of Guilty Appealed	—	13	5
Placed on File - Appealed	—	—	1
Total	12,474	11,302	15,674

* This category includes the more serious offenses.

Criminal Business (continued)

	1974	1975	1976
Court complaints made concerning parking tags	240,445	478,069	401,068

Cases Processed Under the Uniform Reciprocal Support Act, Chapter 273A For the Period July 1, 1975 through June 30, 1976

	1975-76
Petitions initiated for petitioners residing in Boston(initiating)	3
Petitions received from other states (responding)	187*
Total petitions processed.	190*

Support payments collected by the Probation Department:

For dependents residing in Boston (initiating).	\$27,525.77
For dependents residing in other states (responding).	\$51,484.48
Total collections	\$79,010.25

*179 Petitions forwarded have in error - transferred or redirected to other courts.

Appellate Division of the Boston Municipal Court

Requests for Report	38
Reports allowed	24
Reports disallowed	3
Cases heard	21
Cases affirmed	7
Cases reversed	1
Cases consolidated under G.L.c. 233, sec. 2	46
Appeals to Supreme Judicial Court perfected	0
Appeals to Supreme Judicial Court affirms	0
Appeals to Supreme Judicial Court reversed	0

BOSTON HOUSING COURT New Entries

	1974	1975	1976
Criminal Cases	4,708	4,212	4,304
Summary Process Cases	1,249	1,627	2,193
Small Claims	----	403	1,203
Civil Cases	1,298	1,272	1,421
TOTAL of New Entries	7,255	7,514	9,121

HAMPDEN HOUSING COURT New Entries

	1974	1975	1976
Criminal Cases	452	733	894
Summary Process Cases	272	1,140	1,609
Small Claims	371	948	801
Civil Cases	109	284	263
TOTAL of New Entries	1,204	3,105	3,567

BOSTON JUVENILE COURT

	Boys	Girls	Total
Complaints:			
Juvenile Criminal.	72	7	75
Delinquent	1,387	77	2,164
CHINS.	76	133	209
Total	1,535	913	2,448

Appellate Division

Care and Protection.	13	4	17
(involving 9 complaints)			
Delinquency	3	1	4
CHINS.	1	0	1
Total	17	5	22

	Men	Women	Total
Adult.	3	0	3

	No. of Complaints	No. of Child. Reported
Children in Need of Care and Protection.	139	256

Total Number of All Complaints

Juvenile Criminal.	75
Juvenile (Delinquent)	2,164
CHINS.	209
Adult.	3
Care and Protection.	139

Appellate Division

Care and Protection.	10
Delinquent	5
CHINS.	1

GRAND TOTAL.	2,606
-------------------	-------

Judicial Determinations (12,225) Hearings

Judicial determinations include all matters concerning all cases that are brought for decision before the Justices of the Court: findings, dispositions, orders and all changes in cases, such as custody and arraignments, surrenders and continuances for case records.

BRISTOL JUVENILE COURT

Complaints	Boys	Girls	Total
Juvenile Criminal. ....	.71	0	71
Delinquent	3,632	364	3,996
CHINS. ....	.152	166	318
Total.	3,855	530	4,385
	Men	Women	Total
Adult. ....	.5	2	7
		No. of Complaints	No. of Child. Reported
Children in Need of Care and Protection. ....		.39	89
Total Number of All Complaints			
Juvenile Criminal. ....			.71
Delinquent			3,996
CHINS. ....			.318
Adults . ....			.7
Care and Protection. ....			.39
GRAND TOTAL.			4,431

Judicial Determinations (16,338) Hearings

Judicial determinations include all matters concerning all cases that are brought for decision before the Justices of the Court: findings, dispositions, orders and all changes in cases, such as custody and arraignments, surrenders and continuances for case records.

SPRINGFIELD JUVENILE COURT

Complaints	Boys	Girls	Total
Juvenile Criminal. ....	.25	0	25
Delinquent	1,891	199	2,090
CHINS. ....	.137	112	249
Total	2,053	311	2,364

	Men	Women	Total
Adult. ....	.37	3	40

	No. of Complaints	No. of Child. Reported
Children in Need of Care and Protection. ....	.61	116

Total Number of All Complaints

Juvenile Criminal. ....	.25
Delinquent	2,090
CHINS. ....	.249
Adults . ....	.40
Care and Protection. ....	.61
GRAND TOTAL.	2,465

Judicial Determinations (8,592) Hearings

Judicial determinations include all matters concerning all cases that are brought for decision before the Justices of the Court: findings, dispositions, orders and all changes in cases, such as custody and arraignments, surrenders and continuances for case records.

WORCESTER JUVENILE COURT

	Boys	Girls	Total
Complaints:			
Juvenile Criminal. ....	.37	0	37
Delinquent	1,916	219	2,135
CHINS. ....	.101	135	236
Total	2,054	354	2,408
	Men	Women	Total
Adult.	1	0	1

Children in Need of Care and Protection.139 130

Total Number of All Complaints

Juvenile Criminal. ....	.37
Delinquent	2,135
CHINS. ....	.236
Adult. ....	.1
Care and Protection. ....	.55
GRAND TOTAL	2,464

Judicial Determinations (6,340)

Judicial determinations include all matters concerning all cases that are brought for decision before the Justices of the Court: findings, dispositions, orders and all changes in cases, such as custody and arraignments, surrenders and continuances for case records.

